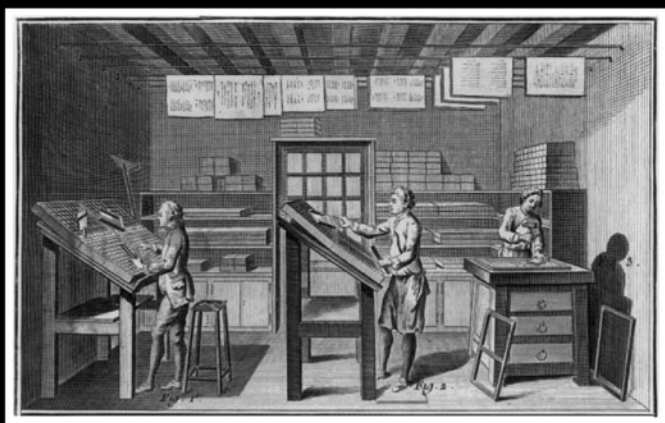


—EARLY FRENCH AND—
—GERMAN DEFENSES OF—
—FREEDOM OF THE PRESS—

—ELIE LUZAC'S—
—*ESSAY ON FREEDOM OF EXPRESSION* (1749)—
—AND CARL FRIEDRICH BAHRDT'S—
—*ON FREEDOM OF THE PRESS AND ITS LIMITS* (1787)—
—IN ENGLISH TRANSLATION—



—edited by—
JOHN CHRISTIAN LAURSEN
AND
JOHAN VAN DER ZANDE

BRILL

EARLY FRENCH AND GERMAN DEFENSES OF FREEDOM
OF THE PRESS

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VOLUME 113



EARLY FRENCH AND GERMAN DEFENSES OF FREEDOM OF THE PRESS

Elie Luzac's Essay on Freedom of
Expression (1749) and *Carl Friedrich Bahrdt's*
On Freedom of the Press and its Limits (1787)
in English Translation

EDITED BY

JOHN CHRISTIAN LAURSEN AND JOHAN VAN DER ZANDE



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PRINTED IN THE NETHERLANDS

For James Schmidt

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CONTENTS

General Introduction	I
John Christian Laursen and Johan van der Zande	
Introduction to Elie Luzac, <i>An Essay on Freedom of Expression</i> (1749)	9
Wyger R. E. Velema	
Elie Luzac, <i>An Essay on Freedom of Expression</i>	35
Translated from the French by John Paul McDonald	
Introduction to Carl Friedrich Bahrdt, <i>On Freedom of the Press and Its Limits</i> (1787)	89
John Christian Laursen and Johan van der Zande	
Carl Friedrich Bahrdt, <i>On Freedom of the Press and Its Limits</i>	107
Translated from the German by John Christian Laursen and Johan van der Zande	
Index of Names	175

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GENERAL INTRODUCTION

John Christian Laursen and
Johan van der Zande

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GENERAL INTRODUCTION

This volume contains English translations of two important early defenses of freedom of the press that were originally written in French and German. The first is Elie Luzac's *Essay on Freedom of Expression* of 1749, and the second is Carl Friedrich Bahrdt's *On Freedom of the Press and its Limits* of 1787. The great benefit of having these texts available in English is that it will help students and scholars who do not read French or German to understand the history of European intellectual life better. For too long, anglocentrism has meant that many people have assumed that defenses of freedom of the press developed only in English-speaking countries. Some who saw beyond that assumed that such ideas arrived in continental Europe with the French Revolution and the Declaration of the Rights of Man of 1789. But here we have substantial French and German arguments for press freedom from before that milestone date. We hope these translations may also help us reflect on the role of freedom of the press, and its limits, today.

Luzac's book is set at the level of philosophical polemic, with references to distinguished scholars of the day such as Jean Barbeyrac, and to famous philosophers such as Descartes, Spinoza, Locke, Bayle, Leibniz, and others. His work is self-consciously in the natural law tradition. The style of Bahrdt's book, on the other hand, reflects his theological background and his experiences as a minister and teacher; he draws on the rhetorical resources of preaching and declamation. In the following paragraphs, we sketch the history of ideas about freedom of the press in order to situate our texts in their largest contexts. Separate introductions to each of the works go into more detail about each of them.

In the fifteenth century, when Johannes Gutenberg invented moveable type, it was taken for granted that printing would be subject to the censorship and control of various authorities. No major challenges to these controls emerged at first. But history reveals that ideological and religious divisions and civil war are conducive to the polemical and controversial use of the press that we think of as freedom of the press. By the early sixteenth century, the Protestant Reformation created the first major "oppositional press." Even the Protestants, however, did not

defend wide freedom of the press. Rather, figures like Luther and Calvin sought freedom only for their truths and did their best to suppress the writings of their opponents. The conditions for the first wide-ranging free press developed in the late sixteenth century at the time of the Revolt of the Netherlands. There, multiple competing jurisdictions and factions allowed the publication of a wide variety of views, and the chaos of intermittent civil war prevented effective control. Later, in the English Civil War, similar conditions emerged which allowed for publication of a wide variety of opinions. From the foregoing review, we see that actual freedom of the press came before theorizing about it.

It is widely known that the first substantial defense of freedom of the press was penned by John Milton. *Areopagitica* of 1644 was his effort to persuade the English Parliament not to renew the Licensing Act which provided for press censorship. Parliament ignored him, renewing the Act. In 1695, however, the Licensing Act lapsed. Thus, although England did not declare official freedom of the press, it became the first country to have de facto freedom of the press by virtue of an absence of such laws. Other countries, such as the Netherlands, and, to a lesser extent, parts of the Holy Roman Empire, had substantial freedom of the press in this period because of the difficulty of enforcing censorship laws in numerous jurisdictions. But other than Milton's effort, picked up in late seventeenth century debates by writers like the freethinker Charles Blount, there was much less theory than actual practice of freedom of the press.

It is worth noting that Milton specifically excepted atheists and Catholics from the freedom of the press that he promoted. Many other seventeenth century authors such as John Locke agreed on such exceptions. Thus, when Elie Luzac, in our text below, called for freedom of the press for atheists he was moving beyond the original English demands. This is not to say that Luzac called for absolute freedom of the press: where the earlier writers subjected atheists to censorship because their oaths could not be trusted, Luzac subjected certain kinds of churchmen to censorship where he thought their ideas threatened the state.

Milton's *Areopagitica* did not receive wide distribution at first, but in 1700 John Toland reprinted it in his edition of Milton's *Works*. Ecclesiastical and governmental authorities saw the attacks on priest-craft and institutional religion by Toland and other freethinkers as a

threat and tried to suppress them. Naturally, the freethinkers turned to theories that would justify their liberty to say what they wanted. Toland, Anthony Collins, Matthew Tyndal, and Lord Shaftesbury published many pieces in which they argued for relative freedom of thought and expression. Some of their works were translated into French and German. Johann Lorenz Schmidt translated Matthew Tyndal's *Christianity As Old As Creation* into German in 1741 and Spinoza's *Ethics* in 1744. To the first of these he added a 130-page prefatory essay on freedom of the press in which he deplored the fate of dissenters such as himself and asked for unconditional freedom to speak one's mind in religious matters. Schmidt wrote from experience: his rationalist translation of the first five books of the Bible (the so-called "Wertheim Bible," after the place of origin) had been outlawed first in Saxony and Prussia and then in 1737 in all of the Holy Roman Empire. Schmidt escaped from jail and found refuge, like other dissenters before him, in metropolitan Hamburg. Later he became librarian to the Duke of Brunswick under an alias.

Imperial and local laws on freedom of the press in the Holy Roman Empire were rather restrictive, as Schmidt and others personally experienced, even when the Empire's political fragmentation also offered ways to get around censorship and avoid the penalties imposed on evading it. Early in the eighteenth century Christian Thomasius championed toleration among Protestants in Germany. Heresy to him was merely a polemical concept used to denounce an opponent, a dangerous practice the state should check. Accordingly, the statutes of the Prussian state university of Halle which Thomasius helped establish in 1694 allowed all faculty except the theologians academic freedom of speech. His student, Nicolaus Hieronymus Gundling, extended toleration to atheists, which Thomasius, like Locke, withheld from them for reasons of state. Gundling's student, the Hanoverian Minister Gerlach Adolph von Münchhausen and founder of the new state university of Göttingen in 1734, included in its statutes academic freedom for all faculty. Thus, there was some precedent for freedom of the press in the Continental background against which Luzac and Bahrtdt wrote.

Luzac published his book in answer to criticism of his publication of Julien Offray de La Mettrie's controversial materialist *Man a Machine* in 1747. As the introduction to his work in this volume demonstrates, his defense of freedom of the press was not intended as

a radical position, subversive of authority, but rather a conservative one. A paradox is that it could be translated and published decades later as part of a radical movement in the Netherlands. It was certainly part of the rise of justifications for and of the actual influence of public opinion in Europe in the eighteenth century.

Although these debates were accompanied by legal or constitutional developments in England, France, the Netherlands, and German-speaking countries, they did not lead to formal declarations of freedom of the press. Other countries led the way in this respect. Sweden declared freedom of the press in 1767, but added that this was freedom “except in matters of religion,” which left out most of the controversial issues of the day. The first country to declare unlimited freedom of the press was Denmark in 1770. This was rescinded shortly afterward, but full censorship was not restored. The Virginia Declaration of Rights of 1776 included freedom of the press, and freedom of the press was the subject of the Second Amendment to the United States Constitution in 1792. By the time Carl Friedrich Bahrdt wrote his book, translated below, he knew of some of these experiments.

As our introduction to Bahrdt’s book below demonstrates, his version of intellectual freedom also included freedom of the press for atheists. He drew on the German natural law tradition, the rise of political journalism, and the international philosophical-literary tradition to justify his claims. His personal experiences also influenced his writing in obvious and important ways: his translation of the Bible, like Schmidt’s, was banned by imperial decree.

Neither of our authors called for completely unlimited freedom of the press. Both speak of limits that may be characterized as attempts to define certain ideas as threats to the stability of the state that would justify censorship, and both have clerical writers in mind when they say this. Both defend suppression of what would later be defined as libel and slander. Both have something of a class bias, defending the writings of educated literati but unsympathetic toward the writings of “the rabble.”

Thus early modern demands for freedom of the press belong in the context of the European confessional state firmly established in the wake of the disastrous religious wars of the sixteenth and seventeenth centuries. As protector of the ruling denomination in its territory the state sometimes included moderate minority denominations in its pol-

icy of toleration. This policy varied greatly from country to country, but it was hard to extend to the extremes of atheism and radical forms of Christianity without subverting the foundations of the confessional state. Luzac and Bahrtd were among the first to broaden the concept to include these groups. They emphasized the benefits and political innocuousness of press freedom, and its use by the educated classes only. The problem of the proper extent of religious toleration would only recede with the emergence of the nation state which since the later eighteenth century began to define citizens by their political and not in the first place by their religious allegiance.

However, the nation state also tended to transform the common European tradition of ideas about freedom of the press into an exclusively national treasure. It is very likely that the paucity of attention to these texts in previous anglophone scholarship is a product of nationalism in scholarship. Each nation parades its own heroes of the cause, and overlooks others. There is at least one major danger here. That is that if it becomes too widely accepted that ideas like freedom of the press are the intellectual product of only one nation, they may become hostage to the rise and fall of the prestige of that nation. If they are too closely connected with any one culture, then if other aspects of that nation are rejected, its ideas about freedom of the press may be rejected, too. If freedom of the press can be found to be indigenous to other cultures, then it may have a better chance of surviving the ups and downs of political change. This volume is intended to contribute to a new, cosmopolitan history of the idea of freedom of the press that will find its roots in many places.

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INTRODUCTION TO

ELIE LUZAC'S

*AN ESSAY ON FREEDOM
OF EXPRESSION (1749)*

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University of Amsterdam

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INTRODUCTION TO ELIE LUZAC'S
AN ESSAY ON FREEDOM OF EXPRESSION (1749)

“The printing press in the Dutch Republic was bridled and controlled in many different ways by law, yet in practice it was almost completely free,” H. A. Enno van Gelder observed in his classic study of Dutch liberty in the seventeenth century.¹ It can indeed not be doubted that during the entire early modern period the Dutch printing presses enjoyed a greater measure of freedom than those of most other European countries. Preventive censorship was virtually absent in the Republic and the Dutch political system was so decentralized and particularistic that attempts to establish effective repressive control of the press were invariably less than completely successful. These factors, combined with the economic prosperity brought by its flourishing commerce, helped to make the Dutch Republic into the intellectual entrepot of Europe in the seventeenth and eighteenth centuries.²

Yet at the same time it remains important to realize that the difference between the Dutch Republic and the other European countries was in many ways only relative. Not only were authors to the very end of the old regime officially forbidden to write and certainly to publish controversial works on religious and political affairs, many specific publications on these topics were in fact explicitly—and not always unsuccessfully—banned.³ Indeed, recent research has shown that the optimistic assessment of the seventeenth-century Republic as “the

¹ H. A. Enno van Gelder, *Getemperde vrijheid. Een verhandeling over de verhouding van kerk en staat in de Republiek der Verenigde Nederlanden en de vrijheid van meningsuiting inzake godsdienst, drukpers en onderwijs, gedurende de 17e eeuw* (Groningen, 1972), 151.

² G. C. Gibbs, “The role of the Dutch Republic as the intellectual entrepot of Europe in the seventeenth and eighteenth centuries,” in: *Bijdragen en Mededelingen betreffende de Geschiedenis van Nederland*, 86 (1971), 323–49.

³ The classic works here are J. T. Bodel Nijenhuis, *De wetgeving op drukpers en boekhandel in de Nederlanden tot in het begin van de xixe eeuw* (Kampen, 1892), and W. P. C. Knuttel, *Verboden boeken in de Republiek der Vereenigde Nederlanden* (The Hague, 1914).

Mecca of authors” may be in need of some qualification.⁴ During most of the eighteenth century the factual and legal circumstances surrounding the printing press remained largely unchanged.⁵ What did change, however, was the intellectual climate.

It was the previously quoted Enno van Gelder who pointed out that although the seventeenth-century Dutch enjoyed a large measure of freedom of expression and of the press in practice, they made very little effort to legitimate this situation in theory.⁶ Their enlightened eighteenth-century successors, however, increasingly felt the need to present uninhibited public debate as an essential instrument to further the public good and insisted that the existence of a public opinion that functioned through a process of free communication was one of the main characteristics that distinguished a free state from a despotic one. This line of argument was frequently developed in the numerous moral weeklies, modeled on the work of Addison and Steele, that formed the backbone of the early Dutch Enlightenment.⁷ Thus Justus van Effen, whose *Hollandsche Spectator* appeared between 1731 and 1735 in 360 issues and is widely regarded as the most important and influential example of the entire genre in the Republic, devoted his entire 220th issue to freedom of the press.⁸ There he maintained that a country could only be called free if its citizens could openly express themselves on matters of philosophy and religion. But he went even further: “I do not even doubt ... that every citizen is free to express his opinions on the measures that seem best to him to further the welfare of the Fatherland, in which every member of the people may claim the same property.” Aware of the radical potential of these views, Van Effen

⁴ S. Groenveld, “The Mecca of Authors? States Assemblies and Censorship in the Seventeenth-Century Dutch Republic,” in: A. C. Duke and C. A. Tamse, eds., *Too Mighty to be Free. Censorship and the Press in Britain and the Netherlands* (Zutphen, 1987), 63–86; Ingrid Weekhout, *Boekencensuur in de Noordelijke Nederlanden. De vrijheid van drukpers in de zeventiende eeuw* (The Hague, 1998).

⁵ A. H. Huussen, “Freedom of the Press and Censorship in the Netherlands, 1780–1810,” in: Duke and Tamse, eds., *Too Mighty to be Free*, 107–26.

⁶ Enno van Gelder, *Getemperde vrijheid*, 236.

⁷ For a general introduction to Dutch moral weeklies see P. J. Buijnsters, *Spectatoriale Geschriften* (Utrecht, 1991).

⁸ The definitive biography of Van Effen is P. J. Buijnsters, *Justus van Effen (1684–1735). Leven en Werk* (Utrecht, 1992).

immediately added that freedom of the press should never be used to undermine respect for the legitimate government, that it could be temporarily restrained in emergency situations, and that it should not be allowed to degenerate into the licentiousness that could be witnessed in contemporary England.⁹

To Van Effen and numerous other authors of Dutch moral weeklies freedom of expression and of the press contributed to the public good by facilitating the discovery of the truth and constituted one of the defining characteristics of a free state. But they generally did not take the further and more radical step of presenting freedom of expression as a human right within the framework of a system of natural law. The first author to do so at considerable length and in a separate publication in the Dutch Republic, or indeed anywhere in Europe, was the learned jurist and publisher Elie Luzac in his 1749 *Essai sur la liberté de produire ses sentimens* (*An Essay on Freedom of Expression*). It will be the purpose of what follows here to discuss Luzac's views on freedom of the press and the contexts in which they emerged.¹⁰

Elie Luzac, born in 1721 as the son of a second generation Huguenot *émigré*, was still in his twenties when he published his first and most important work on freedom of expression, but already a well-known figure in both the Dutch and the international world of letters. He had been trained in a wide variety of subjects, philosophy and natural law among them, at Leiden University and had been active as a publisher in that town since 1742. His contacts with Dutch scholars and publicists were numerous, yet in this early phase of his career Luzac was primarily active as a member of the international francophone republic of letters. Within that republic, he belonged to a clearly identifiable sub-group, that of the liberal Protestant Huguenots.¹¹ It is beyond the

⁹ Justus van Effen, *Hollandsche Spectator* (2nd printing, 6 vols. 360 issues. Amsterdam, 1756) IV, issue 220, 525–36. The quotation is on 526.

¹⁰ Much of what follows is based on Wyger R. E. Velema, *Enlightenment and Conservatism in the Dutch Republic. The Political Thought of Elie Luzac (1721–1796)* (Assen and Maastricht, 1993). I thank the publisher, Van Gorcum & Comp. B. V., for permission to use this material.

¹¹ The helpful term “liberal Protestantism” was coined by S. S. B. Taylor, “The Enlightenment in Switzerland,” in: R. Porter and M. Teich, eds., *The Enlightenment in National Context* (Cambridge, 1981), 72–89.

scope of this essay to analyze the intellectual world of this community, whose informal head was the Perpetual Secretary of the Berlin Academy of Sciences, Jean Henry Samuel Formey (1711–1797), in any detail. Suffice it to say that these liberal Protestants were generally vehemently opposed to all forms of religious enthusiasm and fanaticism, of a rationalist cast of mind largely inspired by the writings of the German philosopher Christian Wolff, and highly interested in propagating the *science des moeurs* or modern natural law.¹² These were the values that Luzac would defend and spread until his death in 1796 and that made him into a representative of what may be termed a Moderate Enlightenment. In the course of the eighteenth century, however, this rationalist and tolerant Moderate Enlightenment increasingly clashed with the more radical, sensationalist, sometimes even materialist world view of the *philosophes* of the French High Enlightenment. Luzac deeply regretted the rise of this new philosophy and fought against it with all the scholarly and polemical weapons at his disposal. Thus he sharply criticized the *Preliminary Discourse* of the *Encyclopedia* for its exaggerated sensationalism and became one of the first European commentators to utterly reject Rousseau's radical interpretation of modern natural law.¹³ Yet although he detested the sensationalism, materialism, and fanaticism of the French *philosophes*, Luzac insisted that they be allowed to publish their views. Indeed, it was at the very beginning of his career that he himself, although deeply disagreeing with its content, published one of the most radical tracts of the French Enlightenment and subsequently defended this action in the *Essay*. It was an episode of the highest interest and importance that merits detailed treatment.

When in 1747 the young Elie Luzac decided to publish Julien Offray de la Mettrie's *l'Homme machine* (*Man a Machine*), he was

¹² For a more extended treatment and further references see Velema, *Enlightenment and Conservatism*, 27–33. The most important work on the intellectual world of the first generation of the Huguenot refugees remains E. Haase, *Einführung in die Literatur des Refuge. Der Beitrag der französischen Protestanten zur Entwicklung analytischer Denkformen am Ende des 17. Jahrhundert* (Berlin, 1959). On Luzac's place in the international republic of letters see also Elisabeth L. Eisenstein, *Grub Street Abroad. Aspects of the French Cosmopolitan Press from the Age of Louis XIV to the French Revolution* (Oxford, 1992).

¹³ Velema, *Enlightenment and Conservatism*, 56–72.

naive enough to put his publisher's name on the title page.¹⁴ He did, however, take several other precautionary measures. First of all, he appended a brief preface to the book, in which he explained his reasons for undertaking its publication. True religion, he there observed, was immune to attempts to undermine it by argument. This proposition was even more powerful in reverse form: any attempt to suppress anti-religious arguments would in fact strengthen the position of unbelief. People would come to feel that what was being withheld from them might be interesting, or at least had to be taken seriously, and they would therefore begin to doubt the truths of religion. A completely open and rational debate, on the other hand, would inevitably and invariably result in the total defeat of the atheists. The readers moreover should bear in mind the fact that the whole treatise was based on no more than a highly uncertain hypothesis. Finally, there was also the practical consideration that had Luzac himself not published the book, somebody else would gladly have done it.¹⁵ Apparently unconvinced that these brief remarks would pacify future opponents of the book, Luzac further took great care to hide the identity of its author and claimed to have received the manuscript from an anonymous writer in Berlin.

None of these measures turned out to offer sufficient protection. No sooner had circulation of *l'Homme machine* started than Luzac was called before the Walloon Consistory of Leiden. On December 18, 1747, the Consistory declared *l'Homme machine* to be "filled with the most appalling atheism and libertinism." In order to put an immediate stop to the circulation of the book and to prevent such things from happening again the Consistory ordered Luzac "1. to hand over all copies of the said book still in his possession and all those he could retrieve, so that they can be burned; 2. to disclose the name of the author of the book; 3. to apologize for contributing to the circulation of this wicked book by printing it and solemnly to promise never again to print or sell any book attacking divinity, religion, or good manners." Luzac promptly gave in to the first demand. He promised to hand over

¹⁴ On La Mettrie and *l'Homme machine* see A. Vartanian, *La Mettrie's l'Homme machine. A study in the Origins of an Idea* (Princeton, 1960).

¹⁵ E. Luzac, "Avertissement de l'imprimeur," in: [J. O. de la Mettrie], *l'Homme machine* (Leyde, 1748).

all his copies of the book to the Consistory for destruction by fire. In the other two matters he asked for a two-day reprieve before answering, which was granted. On December 20, Luzac was back before the Consistory. He repeated his solemn promise to hand over all the copies of *l'Homme machine* at his disposal, and he subsequently delivered a large number of them. In the matter of the revelation of the identity of the book's author, however, he declared that he was "incapable of doing so." But he was more than willing to state that he was deeply sorry for having printed such a scandalous book. He would also gladly refrain from ever doing such a thing again. With this declaration, the Consistory was satisfied.¹⁶

Luzac was, of course, completely insincere. On that very same December 20, 1747, he wrote to his Amsterdam colleague Marc-Michel Rey, later to become one of the most prominent publishers of the European Enlightenment, that the Consistory was planning to burn *l'Homme machine*, but that this would not prevent him from putting further copies into circulation at some future point in time.¹⁷ He indeed proceeded to do so, for in March and April 1748 we find him sending numerous copies of the book to Rey.¹⁸ Luzac was thus successfully circumventing ecclesiastical censorship. From the whole episode, he also learned the practical lesson that putting the true publisher's name on the title page of a controversial book was not always a good idea, even in a country famous for its tolerance and freedom of the press. In his future career he would not make the same mistake again. The extremely important task that now remained for Luzac was the elaboration of an intellectual defense of his actions with more substance than his short preface to *l'Homme machine*.

That preface had, despite its brevity, caused a considerable scandal, especially in the segment of the republic of letters to which Luzac

¹⁶ Municipal Archive Leiden. Archives de l'Eglise Wallonne de Leyde, No. 46, Records of the Consistory, 1740–1765, 89–91.

¹⁷ Bibliotheek van de Vereniging ter Bevordering van de Belangen des Boekhandels. Correspondence Marc-Michel Rey, Luzac to Rey, Leiden, December 20, 1747. On Rey see M. Fajn, "Marc-Michel Rey: Boekhandelaar op de Bloemmarkt (Amsterdam)," in: *Proceedings of the American Philosophical Society*, 118 (1974), 260–68, and J. Vercruyssen, "Marc-Michel Rey imprimeur philosophe ou philosophe," in: *Documentatieblad Werkgroep Achttiende Eeuw*, 34–35 (1977), 93–121.

¹⁸ Correspondence Rey, Luzac to Rey, Leiden, March 30 and April 1, 1748.

belonged, the liberal Protestant wing of the descendants of the Huguenot refuge. Pierre Roques, pastor of the French church in Basel, was so shocked by its content that he published a lengthy refutation in the *Nouvelle Bibliothèque Germanique* (*New German Review*).¹⁹ In this “Examen,” Roques took great care, both in his argumentation and in his choice of authorities cited, to emphasize his own enlightened position. Freedom of the press, he argued, was a great good. It was absurd, as all too often happened, to forbid all books not completely conforming to “the religion of the country and of the dominant sect”²⁰ Yet, the liberal pastor continued, this freedom also had clear limits. No books against religion in general, no books against the incontestable rules of morality, and no books inciting to rebellion should be published. It was against this rule that Luzac had sinned. “If Mister Elie Luzac ... had thought about these limits set by reason, religion, and sound politics, he would never have printed in this scandalous way what is perhaps the most impious brochure ever to have appeared.”²¹ *L’Homme machine* was a most dangerous tract, filled with atheism of a Spinozist variety and inciting to a “libertinage des mœurs.”²² And atheism was much more than a monstrous error: it was a grave crime against both God and human society. It had always been forbidden and justly so, Roques emphasized, adducing the authority not of theologians, but of “the greatest jurisconsults:” Grotius, Pufendorf, and Barbeyrac.²³

Why then had Luzac soiled his printing presses with this publication? Roques judged the arguments put forward in Luzac’s preface to be totally unconvincing. That religion was immune to this kind of attack might be true at the highest level, he conceded, but weak and unenlightened minds might very well be damaged. This sort of publication would moreover furnish new weapons to those already inclined to libertinage. And even if no harm was done in any direct way, there was still no reason whatsoever to allow God to be publicly insulted in

¹⁹ P. Roques, “Examen de l’ avertissement de l’ imprimeur qui a publié le livre intitulé l’ Homme machine,” in: *Nouvelle Bibliothèque Germanique*, vol. 5, second part, (1748–49), 328–57. The piece is signed April 3, 1748. On this periodical see J. Sgard, ed., *Dictionnaire des Journaux 1600–1789*, 2 vols. (Paris, 1991), I, 188–89.

²⁰ *Ibid.*, 329.

²¹ *Ibid.*, 330–31.

²² *Ibid.*, 331–40. The quotation is on 336.

²³ *Ibid.*, 340–44.

print.²⁴ It was also wrongheaded to think that people's faith would be weakened if they were prevented from reading "the impieties of the libertines."²⁵ As to the merits of open debate, there had already been more than enough of that. If even the excellent works of Nieuwentijt, Derham, and Ray did not suffice to silence the atheists, nothing would.²⁶ Their pernicious writings simply had to be banned. Roques finally contemptuously dismissed Luzac's final argument, the fact that somebody else would certainly have printed *l'Homme machine* had he not done it himself. First of all, Luzac could not possibly be sure of this. But more importantly, it did not absolve him from moral responsibility.²⁷ Luzac had, in short, been guilty of "inexcusable conduct."²⁸

But condemnation did not stop in Basel. In Berlin Luzac's correspondent and business partner Jean Henri Samuel Formey, with whom he shared so many convictions, also raised his voice.²⁹ This is not only clear from the correspondence between the two men, but also from the fact that Formey, as the editor of the *Nouvelle Bibliothèque Germanique*, added several critical remarks to the refutation of Roques's attack that Luzac sent him for publication.³⁰ He made it very clear that he disagreed with its content and that in his own view nothing, including the publication of dangerous books, should ever be done to undermine religion and morality, the two main pillars of society.³¹

What did Luzac have to say for himself against Roques?³² The whole point of the controversy, he observed, was really this: it had to

²⁴ Ibid., 346–47.

²⁵ Ibid., 349.

²⁶ Ibid., 349–51. Bernard Nieuwentijt, William Derham, and John Ray were all prominent early eighteenth-century practitioners of the then highly fashionable mode of apologetics known as physico-theology. See J. Bots, *Tussen Descartes and Darwin. Geloof en natuurwetenschap in de achttiende eeuw in Nederland* (Assen, 1972).

²⁷ *Nouvelle Bibliothèque Germanique*, as in note 19, 347–48.

²⁸ Ibid., 357.

²⁹ Luzac and Formey would closely collaborate in the publication of the *Bibliothèque Impartiale* during the years 1750–58 and Luzac was the publisher of a considerable number of Formey's writings.

³⁰ Deutsche Staatsbibliothek, Berlin. Correspondence Jean Henri Samuel Formey, Luzac to Formey, Leiden, April 11, 1750.

³¹ *Nouvelle Bibliothèque Germanique*, vol. 6, second part, (1750), 429–31.

³² E. Luzac, "Réponse de l'imprimeur à mr. ... sur son examen de l'avertissement qui se trouve à la tête du livre intitulé l'Homme machine," in: *ibid.*, 431–41.

be demonstrated that publishing *l'Homme machine* was a morally reprehensible action and that the publisher could and should have known this. And that, he submitted, was impossible to do. He would first briefly indicate the weakness of Roques's position and then proceed to defend his own. Roques had completely failed to make it clear which books ought to be banned and which books ought to be permitted. His general religious, moral, and political criteria were so vague as to be utterly useless. Where, given the unspecific nature of these criteria, would the prohibition of books stop? Cleverly drawing into the debate the name of a philosopher highly respected in liberal Protestant circles, Luzac at this point remarked that he had often heard Leibniz accused of Spinozism. Did Roques wish to prohibit further publication of works by this author? More generally, how many people actually agreed as to what constituted good morals?³³

From Roques's essay and learned quotations, Luzac went on to remark with heavy irony, it was clear that the pastor was intimately familiar with the thought of Grotius, Pufendorf, and Barbeyrac. Roques would therefore certainly agree with him that according to these great men an action was morally wrong only if by its very nature it caused a bad effect. The publication of *l'Homme machine* could therefore only be called morally wrong if the nature of that book in itself and necessarily caused a bad effect. But that was patently untrue. Had Roques himself, who no doubt had perused the controversial publication several times, been corrupted by his readings? Obviously not. It was therefore as absurd to call the publication of the tract morally wrong as it was nonsensical to doubt the moral integrity of a wine merchant on the ground that some of his clients would later abuse their purchases to drink themselves into a stupor.³⁴ Or, as Luzac wrote to Formey in this same matter, "there must be a necessary link between effect and cause and that connection is absent between the production of a book and the uses a capricious public chooses to make of it."³⁵

³³ Ibid., 433–35.

³⁴ Ibid., 436–38.

³⁵ Correspondence Formey, Luzac to Formey [undated, but probably 1749]. On the exchange between Roques and Luzac see also Vartanian, *La Mettrie*, 98–99, and J. Marx, "Elie Luzac et la pensée éclairée," in: *Documentatieblad Werkgroep Acht-tiende Eeuw*, 11–12 (1971), 74–105, esp. 76–80.

Although far from unimportant, to Luzac the brief polemic with Roques was no more than a preliminary exercise. In order to bring the whole matter of the publication of *l'Homme machine* to an intellectually satisfactory ending clearly something more elaborate and ambitious was needed. This he produced in the form of two substantial publications. The first was a refutation of La Mettrie's materialism, published in 1748 under the title *l'Homme plus que machine (Man More Than a Machine)*. The work enjoyed a considerable success and was repeatedly reprinted. The second, and for our purposes more important, work Luzac wrote as a direct consequence of the La Mettrie affair was the 1749 *Essay on Freedom of Expression*.

The *Essay* was an elaborate, principled, and by mid-eighteenth-century standards extremely radical defense of freedom of expression, including freedom of the press. Given the explosive nature of its content, Luzac carefully kept his authorship secret, although he revealed it to the trusted Formey.³⁶ The title page bore a programmatic imprint ("In the free country. For the common good, 1749. With permission from all real philosophers") and a motto from Jean Barbeyrac's introduction to Pufendorf's *Droit de la nature et des gens (Law of Nature and Nations)* condemning "the heart's illusions and the tyranny that is abroad regarding ideas" as the great barriers to our knowledge of human morals and duties. Luzac dedicated the essay to the English nation as the only nation known to him to enjoy a complete and unfettered freedom of expression. Small wonder, he added, that England had produced such a brilliant succession of important thinkers. "Unknown among you is a rage to compel persuasion: unseen among you is a Descartes outlawed, a Bayle without support. Fortunate people! May others admire you! May it please them to imitate you!" Although a regrettable number of attempts had been made to do so, Luzac remarked in his preface, it was in the end impossible to repress freedom of thought successfully. It was the actual expression of the products of this thought that was much more vulnerable to the omnipresent *esprit de domination*. In his essay he would therefore solely try to answer the question, "if freedom of expression can be limited by right or entirely taken away from man" (8).

³⁶ Correspondence Formey, Luzac to Formey, Leiden, February 11, 1749.

In the first chapter Luzac addressed the issue whether or not any person had a natural right to limit freedom of expression of another person, "abstracting from any state of government" (10). The basis of his argument, he stated, was the existence of a Supreme Being and the principles resulting from that existence. Both by his own nature and by the divine will man was obliged to contribute to the common good and, within the limits set by that first duty, to strive for his own happiness. It was therefore clear that man was not allowed to express opinions harmful to society. But who was to be the judge of this? It was each individual man himself, who for that very reason had been endowed with intelligence by God. In his search to find out what was beneficial or harmful to society each man absolutely needed to know the opinions of others on this subject. The duty to contribute to the common good therefore clearly resulted in the right to enunciate and absorb opinions. Moreover, had not Barbeyrac convincingly demonstrated that according to the principles of good morals a man must follow his own sincerely held opinions, even if they were misguided? Everybody therefore had a right to express his opinions as long as he thought them to be beneficial, or at least not harmful, to society. The only conceivable reason to forbid the expression of such opinions would be the knowledge that the person uttering them was doing so against his own conviction or conscience. But such knowledge was obviously impossible to obtain. Nobody therefore had a natural right to limit another man's freedom of expression. The same matter could also be looked at from a slightly different angle. Since the common good requires the discovery of the truth, everybody is obliged to seek after it. But the truth cannot be found without an examination of all possible points of view. It is therefore evident that nothing should be done to limit the expression of opinions.

All of this, Luzac went on to state provocatively, was equally true with regard to atheists. By what right should they be denied the expression of opinions they themselves believed to be useful to society? What was even more, who was to say with absolute certainty that they were wrong in their convictions? After all, eminent and respected philosophers had been heard to admit that the existence of a Supreme Being was no more than highly probable. The fact that most people firmly believed in the existence of such a Being did not make that proposition true to all others and it certainly did not entitle the majority

to force it upon the minority. Moreover, Luzac added, repeating a by now familiar argument, we can never be certain of the truth of our convictions unless we listen to all counterarguments.

The next question to be answered was whether or not freedom of expression could be harmful to society. At this point Luzac gave an extended treatment to the argument we previously encountered in his exchange with Roques. The expression of an opinion, he maintained with a wealth of sometimes extreme examples, could never be harmful to society. It was only the bad use to which an opinion was put by its recipients that could cause such harm. But there was no reason to suppose that such a bad use would regularly occur and certainly not in the case of potentially very harmful opinions. Take for instance the opinion that the virtues are no more than a chimera. Clearly its widespread application would wreak havoc on society and for that reason many people would no doubt want to forbid its expression. Not so, Luzac. Because of the very fact that this opinion was so evidently wrongheaded, he maintained, people would find it quite easy to dismiss it on the basis of reasoned judgment. A prohibition therefore was both superfluous and unjustified. He continued his argument by briefly pointing out the dangers to society resulting from limitation of freedom of expression. Not only would it cause great minds to keep their thoughts to themselves, it would also undermine the faith of lesser minds in evident truths. But despite all these arguments and despite the enlightened nature of the present century, Luzac somewhat sadly observed at the close of his second chapter, many sovereigns were still willing to lend an ear to those in favor of bridling freedom of expression.

This observation directly led him to chapter three, treating the question of whether or not sovereigns have the right to limit the freedom of expression of their subjects. Here Luzac announced that he would only discuss this matter in the context of unlimited sovereignty. The conclusions to be drawn for other forms would, so he trusted, be obvious. From the existence of a Supreme Being it can be deduced, so ran his argument, that sovereigns, just like their subjects, are obliged to seek the common good and that of their own state in particular. They have the right to direct the will of their subjects toward that goal. The subjects have to obey. Strictly speaking this could be taken to mean that sovereigns have the right to limit their subjects' freedom of

expression, should they judge it to be harmful to the good of society. And in some cases, Luzac could not resist adding, that would indeed be a great blessing. It would benefit every European nation if sovereigns would outlaw those abominable catechisms in which people were taught nothing but superstition and inhumanity and which helped to make the misguided dogma of corrupt human nature into a self-fulfilling prophecy. It would also be a huge advantage if sovereigns decided to silence the clergy, quite often consisting of “turbulent, factious, ignorant, and dishonorable men,” who constantly disturbed the public peace with their meddlesomeness and who should be taught, if necessary the hard way, to limit themselves to what they were paid for: “to teach the religion of the country” (70–71). But although he clearly saw the advantages of such limits to freedom of expression, Luzac at this point broke off his praise for anti-clerical government action. Instead of continuing in this vein, he went on to point out that although the sovereign might have a right to guide his subjects toward the common good, it was also true, as he had shown in the previous chapter, that the expression of opinions could never be harmful to that common good. Indeed, the very opposite was true. It was easy to draw the conclusion.

Having shown that it was both unjust and useless to limit freedom of expression, Luzac observed that nonetheless sovereigns frequently resorted to prohibitions. What were the causes of this regrettable phenomenon? It was of course possible, he remarked, to attribute the widespread suppression of freedom of expression to ignorance. One could then simply suppose that most sovereigns did not realize or understand that a complete freedom in this area could never be harmful to their societies. But such an explanation, he immediately added, put far too favorable an interpretation on the behavior of the average repressive sovereign. The root cause of the suppression of freedom of expression was a much darker one. It was bad government by the sovereign and his dependents, the fear that this would be publicly exposed, and the related apprehension that this exposure would result in a curtailment of power. Good governments, Luzac stressed, had no reason whatsoever to fear openness and would always gladly be obeyed by their subjects. In this context he repeatedly adduced the example of Frederick II of Prussia, a sovereign whose early enlightened policies he greatly admired. The more a government was based on

might instead of right, Luzac observed at the end of this final chapter, the more it would feel the need to limit freedom of expression. After this, the overall conclusion of the essay could be formulated in a way that left nothing to be desired in clarity: “Thus only a bad principle commits men to undermine freedom of expression. The good of society does not demand it. One has no right to do it and it is done to no avail. That, I think, is all that is necessary to prove that each must be left to enjoy freedom to express his opinions” (123).

Luzac’s *Essay* was a landmark in the history of the freedom of expression and of the press. It is eloquent testimony to the fact that the idea of an expansion and intensification of the process of communication was, as Hans Erich Bödeker has suggested, absolutely crucial to Enlightenment culture’s self-understanding.³⁷ It is hard to find, anywhere in mid-eighteenth-century Europe, a more principled and determined plea for the search for truth by means of an entirely open process of intellectual exchange, free from both internal hierarchy and external repression. But Luzac went even further and presented freedom of expression not only as a useful and indeed indispensable instrument in the search for truth, but as an inalienable right. It is indicative of the radicalism of this position that it was not reached in Germany until almost forty years later by Johannes Kern and Carl Friedrich Bahrdr.³⁸

Yet despite the very real radicalism and originality of Luzac’s *Essay*, it is important to emphasize that in various ways it also remained a product of the mid-eighteenth-century. This is clear, in the first place, from the fact that the subject matter of the essay was freedom of rational intellectual communication at a high level of abstraction. In the very opening sentences of the first chapter Luzac made it clear that he would not be dealing with “novels, lampoons, and other productions of that sort” (9) and in the course of his argument he repeatedly stressed that everything he wrote only applied to publications

³⁷ Hans Erich Bödeker, “Aufklärung als Kommunikationsprozess,” in: *Aufklärung. Interdisziplinäre Halbjahresschrift zur Erforschung des 18. Jahrhunderts und seiner Wirkungsgeschichte*, 2 (1987), no. 2, 89–111.

³⁸ Jürgen Wilke, “Die Entdeckung von Meinungs- und Pressefreiheit als Menschenrechte im Deutschland des späten 18. Jahrhunderts,” in: Otto Dann and Diethelm Klippel, eds., *Naturrecht – Spätaufklärung – Revolution* (Hamburg, 1995), 121–39.

“where one reasons naturally about things,” not to works filled with “insulting or indecent expressions” (86). He was, in other words, writing about the exchange of opinions within a limited and highly educated elite. To be even more precise, he was writing about the collective search for truth within an idealized republic of letters.³⁹

The political objectives of the *Essay* were equally limited. Luzac believed that unlimited freedom of expression would lead to the discovery of the truth and to general enlightenment. Obviously, any sensible sovereign should refrain from interfering with this process and could, in fact, greatly profit by it, for the free process of communication could potentially contribute to the formulation of enlightened policies or could at least help to prevent dreadful mistakes. Yet there is no hint in the essay that unlimited freedom of expression should ideally lead to the formation of a unified public opinion as a powerful and independent force in politics, let alone that such a force should directly determine governmental policy.⁴⁰

That the *Essay*'s main aim was no more than the creation of a free area of rational intellectual exchange, preferably protected by the state, is also evident from its preoccupation with the perils of clerical power. Having recently experienced its intolerant fanaticism at first hand, Luzac left no rhetorical device unused to make it clear that the clergy, with the important exception of the “true theologians” (116–17), was the main threat to the enlightened search for truth. No group, he pointed out, was more willing to limit freedom of expression than “the administrators of churches” (116). It was only the state that potentially could curb the power of these zealots, with their extremely dangerous and influential private empire “with its own laws, which have emanated from certain men inspired with a divine wisdom, against whom rulers

³⁹ That ideal and reality did not always coincide is clear from Anne Goldgar, *Impolite Learning. Conduct and Community in the Republic of Letters 1680–1750* (New Haven and London, 1995).

⁴⁰ On the development of eighteenth-century conceptions of public opinion see J. A.W. Gunn, *Beyond Liberty and Property. The Process of Self-Recognition in Eighteenth-Century Political Thought* (Kingston and Montreal, 1983), 260–315; Gunn, “Public Opinion,” in: T. Ball, J. Farr, and R. L. Hanson, *Political Innovation and Conceptual Change* (Cambridge, 1989), 247–65; and K. M. Baker, *Inventing the French Revolution. Essays on French Political Culture in the Eighteenth Century* (Cambridge, 1990), 167–99.

must ordain nothing and to whom the people owe the blindest obedience” (75–76). Pierre Bayle had, indeed, been correct in suggesting that in all likelihood superstition was more dangerous to a state than atheism.

In the more than twenty years that passed between the *Essay* and the publication of Luzac’s second sustained plea for freedom of expression, he found little reason to change his views on the dangers of clerical intolerance. He repeatedly complained that he was not at liberty to discuss every topic he wanted in the *Nederlandsche Letter-Courant*, a review journal he published, edited, and largely wrote between 1759 and 1763. Thus in 1762 the States of Holland, acting on the advice of a committee of Walloon ministers, banned Rousseau’s *Emile*.⁴¹ Luzac was infuriated, for the ban prevented him from dealing with the book’s content in the only way he considered acceptable: by rational argument. Yet he prudently refrained from reviewing it in the *Letter-Courant*, albeit under protest.⁴² Restrictions on freedom of expression eventually contributed to his decision to terminate the journal’s publication in 1763. Before he did so, he bitterly accused the clergy of stigmatizing everything it disliked as freethinking or even atheism.⁴³ He also, once again, emphatically rejected the imposition of forced silence in intellectual matters.⁴⁴ But his impassioned pleas went unheard.

The 1760s, in fact, witnessed a marked increase in the number of attempts to curtail freedom of expression in Holland. Worried by the growing tide of radical publications, the authorities issued bans against a number of philosophical writings, the works of Voltaire and Rousseau among them.⁴⁵ Persecution increasingly threatened both publishers and authors. In 1766, for instance, the Amsterdam Walloon

⁴¹ W. Gobbers, *Jean-Jacques Rousseau in Holland. Een onderzoek naar de invloed van de mens en het werk (ca. 1760–1810)* (Ghent, 1963), 300–2.

⁴² *Nederlandsche Letter-Courant, doende kortelyk verslach van de nieuwe boeken en geschriften, welken van tyd tot tyd, zo in de Vereenigde als andere Gewesten, uitkomen; als ook 't voornaamste nieuws, dat 'er in de geleerde wereld voorvalt* (10 vols. Leyden, 1759–1763), IX (1763), 5.

⁴³ *Ibid.*, III (1760), 164–65.

⁴⁴ *Ibid.*, X (1763), 212–13.

⁴⁵ H. H. Zwager, *Nederland en de Verlichting* (Bussum, 1980), 58.

Consistory saw to it that Vincenzo Gaudio was sentenced to no less than thirty years of imprisonment for having written an article about Rousseau containing strongly anti-clerical passages.⁴⁶ Luzac, of course, was not surprised, and operated with the utmost caution. He used all the tactics of evasion he had learned to perfection since the La Mettrie affair to remain anonymous as the author of two treatises about Rousseau.⁴⁷ By the late 1760s, however, things were beginning to look so serious that he decided openly to confront the enemy.

On September 7, 1769, the Court of Holland, acting on the advice of a group of Dutch Reformed ministers, urged the States of Holland to appoint *censores librorum*, entrusted with the task of preventing the publication of undesirable books.⁴⁸ The plan was rejected on the grounds that it presented too many practical difficulties, but early in 1770 the States seriously considered issuing a decree forbidding “the production, printing, and publishing of all books in which the foundations of Christian Religion are attacked or Holy Writ and the true Reformed Religion are ridiculed, as well as all books and writings tending to corrupt good manners and to ruin the young by their obscene content.”⁴⁹ The concept of this decree, stipulating an unprecedented range of controls on publishers and booksellers, became widely known and provoked a stream of reactions. Among these was a protest to their city government by the Leiden booksellers. Wishing to present their case as forcefully as possible, they asked Luzac to support their request with a thoroughly argued statement. It was the opportunity he had been waiting for.

In the 1749 *Essay* Luzac had defended freedom of expression at a high level of abstraction. His 1770 *Memorie*, intended to stop a specific

⁴⁶ R. B. Evenhuis, *Ook dat was Amsterdam. IV. De kerk der hervorming in de achttiende eeuw: de grote crisis* (Baarn, 1974), 252–53.

⁴⁷ *Lettre d’ un anonime à Monsieur J. J. Rousseau* (Paris, 1766); *Seconde lettre d’ un anonime à Monsieur J. J. Rousseau. Contenant un examen suivi du plan d’ éducation, que cet auteur a proposé dans son ouvrage intitulé Emile ou de l’ éducation* (Paris, 1767).

⁴⁸ The complete plan for the appointment of *censores librorum* is printed in A. C. Kruseman, *Aanteekeningen betreffende den boekhandel van Noord-Nederland in de 17de en 18de eeuw* (Amsterdam, 1893), 393–95.

⁴⁹ Bodel Nyenhuis, *Wetgeving op drukpers en boekhandel*, 69.

measure, was of quite a different nature.⁵⁰ It was a step by step argument against the concept of the decree of the States of Holland as it circulated early in 1770. The *Memorie*'s main focus was on technical legal matters and on the consequences the decree's promulgation would have for Holland. Yet despite these differences the main thrust of the *Essay* and the *Memorie* was the same. The rise of the French *philosophie* he so detested had not caused Luzac to change his views on freedom of expression.

The concept of the decree, Luzac first of all remarked, did not meet the basic requirements for any criminal law. It was a well-known fact that a criminal law in which the punishable act was not unambiguously defined was unsound and dangerous, for it could easily develop into an instrument of despotism. Yet the concept decree vaguely referred to blasphemy and obscenity, ignoring the fact that no two people actually agreed on what these notions meant. This objection was equally valid for those passages in which a higher degree of precision was attempted. It would indeed be quite instructive, Luzac observed, to hear from the legislators what exactly was to be understood by the term "true Reformed Religion."⁵¹

Perhaps even more important, however, was the fact that all arguments advanced to legitimate the proposed imposition of rigid controls on freedom of expression were invalid. It was perfectly true, Luzac admitted, that sovereigns were allowed and even obliged to defend themselves against violation of their rights. But publication of religious views, whatever their nature, could not possibly be regarded as an attack on the rights of the sovereign. Expression of religious opinions, in fact, could not be regarded as a violation of anybody's rights and

⁵⁰ "Memorie, gedaen maken, en overgegeeven aen de Edele Groot Achtbaere Heeren, die van den gerechte der Stad Leyden, door ofte van wegens Cornelis van Hooegeveen junior, en Pieter van der Eyk en Daniel Vygh, tot apui van 't verzoek, door hun by Requeste aen hunne Edele Groot Achtbaerheden gedaen, omme the obtineeren, dat hun Edele Groot Achtbaerheeden gelieven the coopereeren, teneinde het nader geredresseerd Concept-Placaet tegen Godslasterlyke Boeken en Geschriften by de Edele Groot Mogende Heeren Staeten van Holland en Westfriesland werde gedeclineerd," in: *Nieuwe Nederlandsche Jaerboeken*, vol. 5, second part (July, 1770), 809–96. In writing the *Memorie* Luzac was assisted by his younger brother Isaac Elias. From its style and content, however, it is clear that Elie was the main author.

⁵¹ "Memorie," 813–45.

could therefore not be subject to prohibition under positive law at all.⁵² The argument that sovereigns could simply limit any freedom they judged to be harmful to society was equally unacceptable. Those who invoked it should realize that its adoption made it impossible to criticize any sovereign, however arbitrary his measures.⁵³ Governments, Luzac continued, certainly held a measure of responsibility for everybody's welfare, but this did not mean that they were free to stunt the intellectual development of their citizens by decree. They should, instead, follow the natural and positive route of rewarding virtue and of providing their citizens with a solid education.⁵⁴ These general truths all applied to Holland, but in addition, Luzac emphasized, it should be realized that freedom of religious expression had always been an integral part of Holland's constitution. That it had been judged prudent to adopt one dominant religion had until now never been taken to mean that those not belonging to it should be deprived of the freedom to express their views.⁵⁵ Indeed, was not the free search for religious truth supposed to be one of the main differences between Protestantism and Catholicism?⁵⁶ The conclusion to be drawn from this barrage of arguments was clear: "Neither care for the common good, nor vigilance for religion, nor supervision of the young can ... justify an act which deprives the citizens of that which the highest Wisdom wishes them to enjoy."⁵⁷

The adoption of the concept decree would, furthermore, destroy Holland's commerce and culture. "The experience of all countries in all times," Luzac observed, "confirms the truth that learning and commerce flourish where there is liberty and languish where liberty is suppressed."⁵⁸ Holland would certainly not be an exception to this rule. The measures proposed would definitively mean the end of Holland's position as an intellectual staple market, a position already precarious because of the increasing liberty in other parts of Europe.⁵⁹ They would

⁵² *Ibid.*, 860–63.

⁵³ *Ibid.*, 863–66.

⁵⁴ *Ibid.*, 866–68.

⁵⁵ *Ibid.*, 868–70.

⁵⁶ *Ibid.*, 871–72.

⁵⁷ *Ibid.*, 872.

⁵⁸ *Ibid.*, 873.

⁵⁹ *Ibid.*, 873–74.

also turn the province into an intellectual desert. Scholarship would wither, old superstitions would resurface, and the clergy would once again seize its chance to impose its reign on an ignorant population.⁶⁰ Not only would the decree ruin much, Luzac finally added, it would also fail to achieve its objectives. First of all, it greatly exaggerated the influence of books on their readers. A well-bred person would not be corrupted by the perusal of an obscene publication; a debauchee would sink no deeper by reading yet another lurid tract.⁶¹ It was, furthermore, impossible to tell what means of gratification, possibly of a harmful nature, devotees of pornography would turn to if deprived of their relatively innocent reading pleasures. The possible bad effects of a book should, in other words, be weighed against the good it could do. That, after all, was common practice in other areas. To ban obscene books and at the same time to tolerate brothels was the height of legislative inconsistency.⁶²

Prohibiting a book, Luzac continued, was moreover probably the most effective way to draw the public's attention to it. Once people were determined to read it, nothing would stop them. If not legally available, they would get it from another country, from another province, or through a clandestine bookseller. The decree, in short, would never work. Even in terms of its own objectives it was completely superfluous, for the existence of a clear link between freedom of expression and blasphemous or obscene behavior had never been established. On the contrary: "The whole of human history does not provide us with one single example proving that the curtailment of freedom of expression, freedom to speak, to write, to paint, or to print, has ever led to a less blasphemous or obscene manner of living than that which prevails where there is complete freedom of the press."⁶³

With the *Essay* and the *Memorie* combined, Luzac had by 1770 exhausted his stock of moral, philosophical, legal, historical, and practical arguments in favor of unfettered freedom of expression. Impressive as his arsenal of arguments was, it clearly failed to convince those in

⁶⁰ Ibid., 874–83.

⁶¹ Ibid., 884–86.

⁶² Ibid., 886–87.

⁶³ Ibid., 891.

power. For although the 1770 concept decree never made it into law, three years later the violent polemics about Marmontel's *Bélisaire* led to the imposition of a general prohibition of all books ridiculing the Christian religion.⁶⁴ Luzac, however, remained silent.

It is one of the ironies of history that by the time freedom of expression became a serious issue once again in the Dutch Republic of the 1780s, it was most forcefully raised by the so-called Patriots, the radical reformers to whose program Luzac was bitterly opposed.⁶⁵ To the Patriots, who insisted that the Dutch Republic could only be saved from further decline by the introduction of increased citizen participation in politics, freedom of expression and of the press was a political weapon. In 1781 Joan Derk van der Capellen, the Patriot political leader and author of the most famous pamphlet of the entire period, exhorted his countrymen with the following words: "Insist on freedom of the press, for it is the only support of your national liberty. If it is impossible to communicate freely with one's fellow citizens and warn them if necessary, the oppressors of the people will have an easy job."⁶⁶ This view was taken up in numerous Patriot publications over the next few years. Freedom of the press was not only deemed an excellent instrument to keep citizens alert, it was also thought of as highly suited to expose major flaws in government. Indeed it was evident, the most important Patriot newspaper wrote in 1786, that without complete freedom of the press "there would not remain a shadow of liberty and a Dutchman would henceforth only in name be different from the obsequious Venetian."⁶⁷

To further support their case for a free press, the Patriots translated into Dutch the most powerful statement available on the subject: the

⁶⁴ Bodel Nyenhuis, *Wetgeving op drukpers en boekhandel*, 174–75; Kruseman, *Boekhandel van Noord-Nederland*, 398–99. On the so-called Socratic war Marmontel's *Bélisaire* gave rise to in the Dutch Republic see J. P. de Bie, *Het leven en de werken van Petrus Hofstede* (Rotterdam, 1899), 177–41 and, more recently, J. M. Bremer and D. C. A. J. Schouten, "Het Socratesbeeld van de achttiende eeuw," in: *Documentatieblad Werkgroep Achttiende Eeuw*, 22 (1990), 41–54.

⁶⁵ The historiography on Dutch Patriotism is rapidly expanding. An excellent synthesis of recent research is S. R. E. Klein, *Patriots republikenisme. Politieke cultuur in Nederland (1766–1787)* (Amsterdam, 1995).

⁶⁶ H. L. Zwitser, ed., *Joan Derk van der Capellen, Aan het volk van Nederland. Het patriottisch program uit 1781* (Amsterdam, 1787), 91.

⁶⁷ *De Post van den Neder-Rhyn*, VIII (1786), No. 400, 777.

1749 *Essay on Freedom of Expression*.⁶⁸ Little did they realize that its author, who still remained anonymous, had never intended his pamphlet as an endorsement or encouragement of revolutionary politics and was indeed at that very moment castigating the Patriots in print for their abuse of the press. Elie Luzac had written his *Essay* and *Memorie* well before public debate in the Dutch Republic was transformed by the emergence of polemical political newspapers, the birth of a new and vicious brand of political journalism, and the participation of half-educated segments of the population in politics.⁶⁹ To the very end of his life he remained a “lover ... of free thought and free speech” and he kept insisting that everybody possessed the right to publish “such truths as belong to abstract learning.”⁷⁰ But by the 1780s the problem, as he saw it, no longer was the defense of scholarly inquiry, intellectual freedom, and the search for truth. The issue now had become the defense of reputation or good name against the scandalous, libelous, and seditious filth that streamed from the Patriot presses. Freedom of the press had turned into license. “Newspaper writers,” Luzac now bitterly observed, “who turn their liberty to relate the news into the impertinence of publishing everything that surfaces in their raging and sick brains, are a disgrace to nature and the pests of society. They may with justice be regarded as the scum of the earth.”⁷¹

Just as Luzac’s attempts to establish freedom of expression by argument had failed, however, the Patriot effort to bring it about by polit-

⁶⁸ *Onderzoek over de vryheid, van zyne gevoelens mede te deelen* (Amsterdam, 1782).

⁶⁹ N. C. F. van Sas, “Opiniepers en politieke cultuur,” in: F. Grijzenhout, W. W. Mijnhardt, and N. C. F. van Sas, *Voor vaderland en vrijheid. De revolutie van de patriotten* (Amsterdam, 1987), 97–130, and by the same author “Drukkers, politisering en openbaarheid van bestuur in de patriottentijd. Enkele kanttekeningen,” in: Th. S. M. van der Zee, J. G. M. M. Rosendaal and P. G. B. Thissen, eds., 1787. *De Nederlandse revolutie?* (Amsterdam, 1988), 174–84. On the English debate about freedom of the press under the impact of similar circumstances see Eckhart Hellmuth, “The palladium of all other English liberties: Reflections on the liberty of the press in England during the 1760s and 1770s,” in: Hellmuth, ed., *The Transformation of Political Culture. England and Germany in the Late Eighteenth Century* (Oxford, 1990), 467–501.

⁷⁰ [E. Luzac], *Reinier Vryaarts openhartige brieven, etc.* (4 vols., 12 parts. S. 1., [1781–1784]), vol. 1, part 1, 113; [E. Luzac], *De vaderlandsche staatsbeschouwers, etc.* (4 vols. S. 1., [1784–1788]), vol. 2, 203.

⁷¹ *Vryaart*, vol. 2, part 4, 144.

ical revolution was defeated. Indeed, it was not until the definitive fall of the Dutch old regime in 1795 that freedom of expression finally was officially acknowledged. It was codified in article sixteen of the first Dutch written constitution, the *Staatsregeling* of 1798.⁷² Elie Luzac did not live to see it, for he had died in 1796.

⁷² The story of the establishment of freedom of the press in the Batavian Republic is told in Huussen, "Freedom of the press and censorship," in: Duke and Tamse, eds., *Too Mighty to be Free*, 115–22 and, from a different perspective, in Velema, "Politiek, pers en publieke opinie: het debat over de vrijheid van drukpers in de Bataafse tijd," in: *Grondwetgeving 1795–1806. Voordrachten gehouden bij de presentatie van "De Staatsregeling van 1805 en de Constitutie van 1806. Bronnen voor de totstandkoming" op 27 maart 1997 te Haarlem* (Haarlem, 1997), 65–81.

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[ELIE LUZAC]

AN ESSAY ON FREEDOM
OF EXPRESSION

[Leiden] 1749

Translated from the French by John Paul McDonald
University of North Carolina at Asheville

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AN ESSAY ON FREEDOM OF EXPRESSION¹

[By Elie Luzac]

It must be admitted that it is not so much the mind's prejudices as the heart's illusions, and the tyranny that is abroad regarding ideas, which constitute great obstacles to the serious study of morality and to an exact acquaintance with our duties.

(Barbeyrac, Preface to Pufendorf, *Law of Nature and Nations*²)

In the Free Country,³

For the Common Good. 1749.

With permission from all real philosophers.

¹ [Elie Luzac], *Essai sur la liberté de produire ses sentimens* [Leiden], 1749

² Jean Barbeyrac (1674–1744), foreword to his 1706 French translation of Samuel Pufendorf's *De Jure Naturae et Gentium* of 1672.

³ Presumably a reference to the restoration of William IV to the stadholderate of all seven Provinces of the Dutch Republic in 1747, which Luzac supported. Luzac's "au pays libre" also can mean "to the free country," in which case it would refer to England, as does the dedication on the following page.

TO THE ENGLISH NATION

It is to you, a truly free people, that I wish to dedicate a small work which has as its object the best part of human freedom. Among all the peoples of the world, you are perhaps the only one to enjoy this freedom perfectly. If your civil liberty does you proud, this other makes you even more estimable. Without it all those Collinses, those Clarks, those Robins, those Newtons, those Bentleys, those Lockes, and innumerable others, would perhaps have been only ordinary scholars.⁴ Timidity does not stop you in mid-route, and fear does not prevent you from pursuing consequences. Unknown among you is a rage to compel persuasion: unseen among you is a Descartes outlawed, a Bayle⁵ without support. Fortunate people! May others admire you! May it please them to imitate you!

Let the boldest and most penetrating minds, terrified by nothing, daring to disclose their opinions and express them, collect whatever is strongest. Let them join to the subtlest logic the most cogent experiments, the most sublime genius, the elegance and strength to express themselves. Let them collect all they need to make their ideas unshakable and to force the assent of others. Let them lead me to the dread banks of Spinozism.⁶ Let them make me feel the absolute necessity of causes and their effects. Let them entangle me like a Daedalus in the combination of atoms. Let the best of all possible worlds offer me a sea of difficulties, and let the skeptic lead me from doubt to doubt. Far from hating them, I will follow your example: all great minds will be my friends. Not a bit afraid of finding truth in my adversaries, my con-

⁴ Anthony Collins (1676–1729), author of *Discourse of Free Thinking* (1713); Samuel Clarke (1675–1729), disciple of Newton; Benjamin Robins (1707–1751), mathematician; Richard Bentley (1662–1742), classical scholar.

⁵ Pierre Bayle (1647–1706) was removed in 1693 from his Rotterdam professorship because of his skeptical beliefs.

⁶ Benedict de Spinoza (1632–1677), whose materialist philosophy was perceived as dangerously atheist. On persecution and censorship of Spinoza and his followers, see Jonathan Israel, “The Intellectual Debate About Toleration in the Dutch Republic,” in: *The Emergence of Tolerance in the Dutch Republic*, ed. Christiane Berkvens-Stevelinck, Jonathan Israel, and Guillaume H. M. Posthumus Meyes (Leiden, 1997), 3–36; and Jonathan Israel, *Radical Enlightenment. Philosophy and the Making of Modernity* (Oxford, 2001).

viction will fall on the strongest side. And my love for what is true will make me never hesitate to surrender and recognize you as Protectors of Truth.

PREFACE

Certain circumstances have prevented me from putting this essay in better order.

I threw my ideas on paper; I gathered them up; and I sent them immediately to the printer, or rather to a friend who looked after the publication. Hence the carelessness regarding style as well as the thread of my arguments.

If the public approves this essay with an eagerness liable to be aroused by the subject matter of the work, I will gladly exert myself to perfect it and put it in better order. May I be allowed to remark here in passing that perhaps no topic is more worthy of being treated in depth, and perhaps none has been more neglected.

If certain caustic remarks are found here and there, nothing need be blamed but a candor incapable of guile. They have been flung out neither through hatred nor animosity nor any evil principle. Love of the true, of freedom, and of social well-being have drawn them from a pen driven only by these motives.⁷

⁷ Luzac's "Dedication" and "Preface" are not numbered. In the following text we have added page numbers from the original in brackets.

[1] AN ESSAY ON
FREEDOM OF EXPRESSION

FOREWORD

If Pompey could suffer no equal, and Caesar no superior, is it not the same with all men, and from the greatest to the least do they not all claim [2] a certain superiority over each other? Gradation from inferiors to superiors is no less imperceptible among them than in physical kingdoms. We contemplate our own abilities only through microscopes and those of others through concave lenses. Is it then surprising that our imagination so heightens the value of the former and so outrageously lowers the value of the latter? Is it astonishing that each man within esteems himself more estimable than he is, and much more than he is esteemed?

Self-love guides our judgment. It so happens that another's qualities influence our own, in such a way that ours seem to rise in proportion as those increase and to fall in proportion as those decrease. Our vanity then draws objects near, glancing lightly over their defects and clinging only to what is good in them; or instead it looks at them upside down, so that sight perceives the [3] qualities always in an inverse sense, to use an expression natural to mathematicians.

Even so there would be no great harm if men could be satisfied with their imagination, and relax in the idea of a fanciful superiority. But no. The rage to want to make others feel one's sway, and that sweet satisfaction of seeing one's fellows crawl, prevents them from missing any chance to glory in such an idea.

Hence this eagerness to command, to constrain, to subjugate even those who perhaps might have more claim over us than we over them, and who lack only the power to make others suffer what they must endure.

It has been seen in every age that this passion against the freedom of one's fellows knows no limits, and that it affects everything within its range. If it were possible, would it not even extend to our way of thinking? Is it not with a kind of affliction [4] that we see expressed an opinion different from ours? And if the thing were possible, would the strongest fail to force the consent of the weakest?

Are proofs needed? What effects does not scholastic authority produce? See that disciple. How eagerly he listens to his master. He is an oracle, whose words received as so many truths must serve for him as rules—rules from which he cannot stray without being declared unworthy of the lessons he has received and taxed with ingratitude. Consider that philosopher, plunged in deepest meditation; what reefs do not surround him? He is irretrievably lost if what he discovers, if what he thinks, if what he holds true does not agree with the ideas—what am I saying?—with the jargon of a recognized system. What courage to dare to oppose it, and what magnanimity to dare to attack it for love of truth! Only to bold and superior minds is it given to search for truth, to find it and to make it known. They alone deserve [5] the attention, esteem, and gratitude of their fellows.

I admit that control over ideas, despite all the efforts made to obtain it, is completely impossible, and it should not be surprising that freedom of thought is so heartily conceded. But how is it conceded, by God! By employing every means possible to limit it. Where are those who have no fear of discovering through their reflection things that will make them hateful? Who does not fear finding truths whose discovery will prompt either a cowardly dissimulation or an avowal that will make him miserable? And yet how many ideas are subjected to these dangers by spirited declamations, by pursuits as inhuman as unjust, and which can spring only from a malicious ignorance?

Those, then, who dare attack what the human race must hold most dear, freedom of thought; those who grant it only to people on whom all attempts are futile and who have courage enough [6] to stand above such cowardly endeavors; can those, I ask, boast of granting it to others, and do they not deserve the hatred and scorn of all that breathes?

For what a veneer to put on behavior so base and so contrary to the nature of intelligent beings! If the Supreme Being has endowed me with the faculty of thought, is it to fit it to that of others? Is it to examine my fellows' ideas, to promote my own, or to submit them blindly to theirs? If I must use them to see what I am, where I am, and what I can become, if knowing that is important to me, and if I must seek it, what greater injustice than preventing me from following what my self-interest and my duty both demand?

But if one must grant to great minds full freedom of thought, the spirit of domination falls full force on freedom of expression. It is on

this freedom that tyranny can strike its blows; it is this freedom too which does not escape [7] its fury. Woe to those who express their ideas and do not have the strength to defend them, if these ideas are above the common lot or a bit different from them. They are lost if these ideas oppose the ones that superstition has been skillful enough to slip into the public's mind.

It is not that I want to deny here all right of superiority and control. On the contrary, I feel everything that moralists have said on this subject. Subjection being inseparable from creatures' happiness, it is also by that very fact absolutely necessary. Without dwelling on the pipe dreams that moralists invent to take away human freedom, I heartily agree that it is just as impossible that creatures enjoy full freedom as that 3 times 3 make 8.

But if human freedom must be circumscribed, is not that limitation itself subject to limits, contempt for which can only lead to the unhappiness of those same [8] creatures? I leave the decision on this matter to those who examine natural law. Let them make fair limits. I will be content here to examine only if freedom of expression can be limited by law or entirely taken away from man.

WHETHER BY NATURE SOME CAN HAVE OVER
OTHERS THE RIGHT TO LIMIT EXPRESSION

I mean by expression men's actions by which they instruct others with their ideas on certain propositions. Novels, lampoons, and other productions of that sort do not enter into the goal of this work. I want to examine whether one can legitimately prevent rational creatures, such as men are, from saying, from communicating to others, whether in writing or in some other way, what they think about certain propositions, of whatever kind.

It is proved that men are [10] obliged, not only by their own nature but as a consequence of the divine will, to work toward the good of all, and to seek their own happiness as much as their neighbor's in particular and society's in general can allow.

From this it would follow that, abstracting from any state of government, and from the obedience owed to a sovereign—or indeed considering men in regard to actions about which the sovereign has ordained nothing—it would follow, I say, that since human freedom is limited at the outset concerning all that can cause harm, men would not be allowed to express ideas harmful to society. It can be seen in advance that in no way do I want to adopt the false reasoning of a Hobbes, and of so many others, who treat all virtues as fantasies; and that I want to treat this question according to the purest principles and the most reasonable bases of natural law.

[11] It is easy to say that man must make his happiness conform to that of society; that in seeking it he ought not tend toward a happiness which draws in its wake a greater unhappiness either for himself or for his neighbor or for the society to which he belongs or, Wnally, for the whole human race. It is easy to say and to prove that human freedom is limited, as much by the nature of the universe as by the one who created it, concerning all that is harmful to society. But how to determine what is harmful to society? How can we discover what advances the public good and what hinders it? By what paths can we come to this very necessary knowledge, so as to be able to conform our desires

and our actions to it? The Being Who created us, did He create at the same time persons who would point out to us what to do every time that we decide something (since our life is nothing but a continual changing of state, solely dependent on our [12] will and on what makes it go hither or thither)? No; it is not in such a way that the Creator wanted us determined. He gave us intelligence, by which we can ourselves judge what is or is not fitting for us; what can harm our neighbor or help him; and what can contribute to the well-being of the universe or be harmful to it.

God desires the good of all, and that our intelligence should guide and lead us on the search for what can take us to this end. Well, since this duty is a general duty for all men, all men will be obliged to, and consequently will have the right to, seek what contributes to this good; the obvious result of this is that the expression of ideas in this regard cannot be limited, because the ideas of some serve as a basis for those of others. I thus have, as a reasonable being, the right to seek whether freedom to express one's ideas is harmful to society or [13] not; and this right is buttressed by my duty. Let the loudmouths, then, not be offended by this essay.

Moreover, according to good moral principles, everyone must follow his own conviction, even the movements of an erroneous conscience, as Mr. Barbeyrac has very well remarked.⁸ The result is that freedom to express one's ideas is, at its origin and relative to mankind, not limited concerning those that are harmful to society but those which men judge to be such—so that men have the right to express ideas which they judge to be harmless, and they do not have the right in the opposite case. It is thus the conviction of those who express [14] ideas which alone is decisive in this matter.

From this it most obviously follows that naturally some cannot have the right to restrict or limit the freedom of others in this regard, unless they are persuaded and convinced that the others are acting against the movements of their conscience. But how to convince oneself except by

⁸ [Luzac's Note] *Devoir de l' homme et du citoyen*: Pufendorf L.I, ch. 1, p.5, n.1. This same truth can be deduced directly from the nature of intelligence, God having wanted it to guide and determine us; i.e., that we should do what we judge to correspond to his will. [The reference is to Jean Barbeyrac's 1707 French translation of Pufendorf's *De officio hominis et civis iuxta legem naturalem* of 1673.]

the avowal of the latter? It is a clear impossibility. Moreover it would be the same in such a case whether the ideas be really harmful or not, since only the intention to harm makes them guilty, not their ideas considered in themselves. Thus it will be concluded on this moral point as on all the others that one can act against such individuals only to the extent that one can convict them of malice, of ill-will, etc.; i.e., that one cannot forbid the expression of a given idea, but only hinder a given person from subsequently spreading his ideas, once he has been convicted of expressing his ideas [15] in order to cause harm to the public.

The obligation in which every man finds himself, and the right which results therefrom for every man, prove therefore that the freedom to express one's ideas cannot be limited. But to place this truth in the clearest possible light, and to convince all our adversaries of the truth of this proposition, let me add to these proofs some others, all of which lack neither force nor evidence.

Freedom to express one's ideas being limited, by the order of nature and by the will of the Creator, only as regards those judged or believed to be harmful to society, it is again evident that it would be necessary, before one can prevent the expression of certain opinions, that they be shown to be in fact what they are declared to be. For to be able to enjoy the right to prevent the expression of a certain idea, one must be persuaded that this idea is harmful; to be persuaded, one must be informed; and to [16] be informed, the harmfulness of the idea must be proved. Without this, the persuasion has no basis and does not deserve the name; and without a solid persuasion, there is no legitimate right.

Thus in order to have the right to prevent the expression of an idea, one would have to have proved that this idea will be harmful to society. But since no demonstration deserves this name except after everything opposed to it has been refuted, it follows that freedom to express one's ideas can never be limited concerning those which have as object these demonstrations or public utility, as we have proved in another way above.

To be able then to prevent someone from expressing certain ideas, one would have to be deeply convinced that these ideas are harmful, this conviction would have to be solid, and entire freedom to examine this conviction would have to be accorded. And even so only the strongest would be able to make his conviction prevail, because in matters of judgment and the [17] operations of the mind rightness does

not inexorably go to the most animated, or those with most weapons, and because the feeblest would have just like the strongest an equal right over the suppression of their adversaries' opinions. That is sufficiently evident in the different nations that compose our political globe. Mohammed has the same right over Christians as Christians over Muslims; all are obliged to follow the movements of their erroneous conscience.

Since then this right depends uniquely on superiority of force, and this superiority offers nothing real, according to the best moralists, it follows quite simply that none can have the right to limit the expression of ideas.

Here is yet another argument. If the public good demands that truth be sought and discovered, all men have not only the right to seek it but also the obligation, according to their circumstances. Who will deny [18] that the public good demands seeking and discovering the truth? All men therefore have a right and obligation to seek it. But since this search cannot be made without knowing ideas opposed to our own, it is abundantly clear that men must not be deprived of the means to know the ideas of others; and consequently that their freedom to express ideas must not be restricted. Since this obligation is correlative, this reasoning proves that each must be left the freedom to express his ideas, as much because he has the right to express them as because we are obliged to be familiar with them.

Let us see what results from all these proofs, and whether we cannot add yet more force to them by reasoning in a less scholastic way. Variety is good, especially in such a dry work as this one.

Our proofs are founded on the existence of a Supreme Being, and on the moral principles which flow from that. They [19] are thus evident only for those who admit this existence, and it is the same for all the other proofs which turn on the obligations to which man is subject.

Since, therefore, it is only by virtue of these principles that freedom of expression is limited at the outset concerning all that can be harmful, the question is to know if this same restriction can be valid for those who deny this existence and who treat all virtues as fanciful. Let us not go declaiming against such people, as do so many false brethren, and let us be content to feel pity for them, at the same time giving them all the justice due them.

Denying the existence of a Supreme Being and recognizing one's duties is contradicting oneself. Not recognizing one's duties and wanting to limit freedom is no less contradictory. From this it follows that the atheist can claim full freedom to express his ideas, and that he must allow that [20] same freedom to others, too. The question will therefore be to know if those who are not atheists can claim to limit the freedom of those who are. Let us reason according to the principles of non-atheists who admit all the best moral principles.

Since men are held to follow the movements of their conscience, or to act according to their conviction of what is useful or not useful to society, the atheist must express his ideas as soon as he believes them to be of some use; and, consequently, others have no right to limit his freedom in this regard. This proof is altogether simple.

It follows thence that it is the most obvious affront to atheists to restrict their freedom to express their opinions. What we have just proved flows so obviously from all that has been given as best regarding the bases of natural law, that it is surprising that people are blind to the point of not recognizing such a clear and evident truth; and [21] that even clever people let themselves be so swept away by their passions that they mercilessly tear apart authors as well as their writings. Let us add still other ways of thinking.

I prove that from the outset men are obliged to do whatever can contribute to the good of the whole. But this duty is derived from the existence of a Supreme Being. The man who denies this existence therefore denies this duty. Who is right, he or I? We both claim to be; but since conviction cannot be tyrannical, and since, moreover, as long as this existence can be doubted one cannot claim any superiority whatsoever, it is clear that we have no right to claim that the atheist be silent and let us prattle on. Moreover, since from his viewpoint it is no more proved that he is mistaken than that I am; since the connectedness of his ideas can be as correct as mine; or that he sees some connection or some contradiction which we do not; it is clear, I say, that the atheist [22] can claim a superiority on this article as well as any other can. Who would condemn a person who did not see the necessary connection between the propositions of Euclid and those of Archimedes? And how can one claim to assent to that connection as long as he does not see it? And how can one be convinced that an atheist sees the connection that leaps to our eyes; and on what basis do we condemn him?

Have we not seen arguments produced for the existence of a divinity which, after having served for some time as obvious, have nevertheless been found afterwards to be feeble and unpersuasive? I need as an example no other than the so-called *a priori* argument, which Descartes first made. Has its weakness not been demonstrated? And, in spite of the twist that Mr. Leibniz gave it, is it not still fought over, some being convinced of its strength, others of its weakness? And do not several good metaphysicians claim that the existence of a divinity has been [23] carried only to the highest degree of probability? Let us suppose for a moment that the existence of the divinity appears to us as evident as the simplest proposition of Euclid (as I claim that it appeared to me by the argument deduced from immutability). Does it follow from that, that another should find the same evidence for it? That is so untrue that those who are not able to understand the subtle argumentation produced in this regard cannot, whatever is said, be fully convinced. If we could see and examine the conviction of people, how many shaky convictions would we not find? Well, since evidence is greater or lesser, according to the mind's circumstances, it follows that we can never claim that another give his assent to a proposition, as evident as it may appear to us; unless we are sure that he finds the same evidence in it that we do, this same evidence that forces us to give [24] our assent. But how to convince oneself that another finds the same evidence in a proposition that we recognize in it? At the most, then, if the propositions are so evident as to seize the intellect on a first impression, one can accuse such a person of stupidity and feel sorry for him. Those who admit the existence of a Supreme Being, and consequently the moral principles which flow from that existence, are constrained by these same principles to esteem those people who give their assent only to what seems evident to them, and, far from setting their teeth into them, must even look for everything that can win over their mind and convince them of a truth which seems to them of the utmost consequence. By these same principles one can prove that they must never view unfavorably the fact that the other produces what in his turn seems to him to destroy that evidence.

To change tactics a bit, let us present an argument equally applicable to the [25] preceding question. Consider not an atheist but another man who recognizes the existence of God, but who does not see the link between this existence and the moral principles that we deduce

from it. As evident as this link seems to us, as evident as it is, perhaps, it is nonetheless very sure that as long as one can confront it with ideas that seem to demolish it, and which seem in their turn at least as evident to those people as the contrary to others; it is nonetheless, I say, very sure that it is our duty to listen to what they can put forward against us, to judge the evidence of their arguments. If we are derelict in this duty, it is only pure presumption which will stop us from being convinced, as a reasonable being ought to be. I am convinced that the three angles of a triangle are equal to two right angles. As evident as this proposition is to me, if someone claimed to me to have arguments which demolished this truth, I wonder if in conscience [26] I could say that I was fully convinced, as long as I had not seen the falseness of these arguments. It follows from this that we cannot take pride in the power of persuasion of the most important truths, as long as we prevent atheists, freethinkers, and others of that ilk from brandishing their pen, and even the people will only be able to doubt as long as they see the pen in check. And conversely it is obvious that we will be able to boast of having right and truth on our side when once we grant them full freedom in this regard. The weakness of their arguments will make the force of our own be seen more brightly and will make them as sure as they will be unshakable. It will follow also that just as we feel our superiority by discovering the weakness of our adversary, the people will be firmer and more assured as regards the dogmas taught them and will rest more confidently in them.

To retrace my steps: because my reasoning seems more evident than that of [27] my adversary, can I by that fact prevail? And will that be a reason which will put him in the wrong and oblige him to follow my ideas? What madman contends that? And will not the atheist have here the same right in my regard as I claim to have in his? One must be sincere and disguise nothing when it comes to philosophy. This reasoning is so strong that even the Reformed theologians use it to prove, against those of the Roman church, that it is impossible for them to be convinced of a right to constrain consciences.

Among other questions debated in natural law is that of whether a man is permitted to have several wives. It is asked whether polygamy is naturally permitted or not? I side with the negative.

Supposing then my proofs against polygamy evident in my mind (and I declare that they are), and those of my adversaries ridiculous;

can I claim the right to subjugate their assent to mine, and to limit their freedom on this subject? [28] Probably not. My adversaries can equally claim this right toward me, because in their mind my reasoning can seem very ridiculous, and theirs very sensible and evident. This is not a frivolous supposition. One of my friends and I are in this situation. These same arguments which we have brought forth on the existence of a Supreme Being will preserve all their force here, as on all the other questions concerning the subject of this work. Let us conclude then that originally, or in a country where the rulers have not limited freedom of expression, some cannot claim to limit that of others, and that there must be full freedom of expression of ideas.

WHETHER FREEDOM OF EXPRESSION
CAN BE HARMFUL TO SOCIETY;
AND WHETHER CONSTRAINT IS NOT MORE HARMFUL
IN THIS RESPECT THAN COMPLETE FREEDOM

One must distinguish here between expression and ideas themselves. It is not being said that by expressing ideas harmful to society, this expression is harmful, too. E. . . , for example, has expressed very harmful ideas; but he has done so in such a ridiculous way that this expression does more good than harm to society. Several theologians and important men of letters inveigh against the use of reason and philosophy. Their reasoning is so pitiable that the universe [30] will be transformed before they attain their goal. And so philosophers do not take the trouble to refute them; they gain too much from these kinds of attacks.

We must see whether the expression of ideas can be harmful to society or not. We need not therefore investigate which ideas are harmful or not, but only whether the public is wronged by their expression. Nonetheless it is clear enough that, in order for their expression to be harmful, the ideas themselves must also be harmful. The expression of ideas which are consistent with the common good, or which seem indifferent, can never be harmful to society.

You will demand a proof of what I have just brought forward; I will not refuse it, though what I affirm seems obvious to me.

I have defined the expression of ideas as the action of communicating to others one's ideas about certain propositions. If these ideas are not harmful [31] to society, if they are consistent with the common good, or indifferent to it, these ideas can produce only a good effect, or produce no effect. From this it follows that in causing these ideas to exist outside of ourselves, in expressing them, we can cause no harm to the public.

To make this proof even more obvious: these ideas can be harmful only when they are abused. For example, they would be harmful when a rogue exploits ideas on probity to dupe an upright man, or when a suitor uses ideas about the duty of keeping promises to take advantage

of a young lady. Well, if expressing ideas useful to the public can be harmful only insofar as others abuse them, it follows that this expression is not harmful in itself, but only in relation to those who misuse it. Since all ideas are subject to the same disadvantage, the result is either that all expression of ideas is harmful to society, or [32] that expression whose object is only useful ideas is not harmful. The first of these propositions is palpably absurd, because it would lead to universal silence, so as a consequence the latter is true; namely, that the expression of non-harmful ideas cannot harm society, or should be supposed harmless for society's good.

Since the expression of non-harmful or indifferent ideas cannot harm the public good, let us see whether that of harmful ideas can. I call a harmful idea one which would produce a baneful effect on society in cases where its effect corresponded with its nature.

I call the idea harmful that affirms that virtues and vices are not essentially different; that it is only education that determines them, etc. Because if the effect of this idea corresponded to its nature, all or the greater part of humankind would be convinced by it and would act in consequence, which could only entail [33] a complete calamity for every society.

Therefore, for the expression of certain ideas to be harmful, the ideas themselves must be, and relatively to individuals they must be proved to be of this kind. For creatures can consider ideas harmful, describe them as such, and act in consequence, only after being convinced of it, and this conviction can come only in consequence of solid proofs which demonstrate it.

So, as long as ideas are not proved to be harmful to society they are no more harmful as regards individuals, although they may be harmful in themselves; and in the same way their expression cannot be harmful. As a result, in regard to individuals and for the good of society in general, it must be stated that the expression of ideas cannot be harmful as long as it is not proved that these ideas are of such a kind. Suppose, for example, that there are still some arguments [34] against the proposition that affirms that the denial of a divinity is harmful to society, and that these arguments have not yet been well refuted; from that it will follow that whether this argument is harmful or not is undecided. Well, it is obvious from what was said in chapter one and in this one that not only is it not contrary to the public good to express ideas on

this denial, but that one can support this denial with new arguments without neglecting the duties which the common good imposes on us.

I am well aware that it will be easily accorded that the expression of ideas not harmful to society is not itself harmful; but there will be greater reserve on the next proposition, namely that the expression of harmful ideas cannot be harmful. I am aware even that it will be denied, in spite of all the proofs in its favor that we will give and in spite of their clarity. I am aware that for lack of proofs insults will be brandished to avoid the effects of a truth so salutary to the sciences [35] and to the happiness of reasonable beings.

We have proved above, and in my opinion quite solidly, that the abuse of non-harmful ideas does not make their expression harmful. But to apply this truth to the present proposition, let us see if we cannot enlarge upon it and make it as clear as possible.

It is commonly said, *abusus non tollit usum*; i.e., that the abuse of a thing is not a sufficient reason to deprive the human race of it, and particularly those who could make good use of it. Churches and generally pious assemblies (as well as those bent on pleasure) are often used for young people's intrigues. No one will say, however, that this abuse destroys the need for public worship.

We call harmful ideas those which would produce a bad effect if their effect corresponded to their nature, and by those which are not harmful we mean those which would produce [36] a good effect if the effect corresponded to their nature.

But who does not see that considering in this way things in themselves, we make no progress in the search for what can be advantageous or not for the common good; and that all things must absolutely be considered relatively to the state of the universe, to be able to distinguish what is contrary to it or not? Everything that exists does not exist separately, but in a certain relation to the whole.

By considering things thus in all their breadth, it must be said that everything which by its nature produces or should produce a bad effect, whatever use one makes of it, and that everything which can produce a bad effect without being able to produce good ones, is harmful to society. Thus, harmful ideas will be those which can or must produce a bad effect by their nature, without being able to produce good ones, or whose bad effects must outnumber the good ones, whatever use one makes of them.

[37] I will first look into whether ideas can be harmful in another way than by the bad use made of them; from which it will follow secondly that there cannot be ideas whose bad effects must outnumber the good ones, whatever use one makes of them. Since the bad use of ideas does not make them harmful, it will be proved that they are not harmful in effect, and that their expression is not either, first because I will have proved that they cannot be harmful except by a bad use. And secondly, because I will have proved that there can be no ideas whose bad effects must necessarily outnumber the good ones, whatever use one makes of them, it will be determined that there is no harmful idea, and that the expression of any idea whatsoever cannot be disadvantageous to human society.

I call misusing a thing causing a bad effect to be produced from a cause which would produce a good one by its nature; and taking advantage of a cause [38] which must by its nature produce a bad effect. In this sense it is said that a person misuses logic when he uses it to blind others, as one could accuse the ingenious Bayle of doing. In this sense ecclesiastics often misuse the credulity of the common people by making them wallow blindly in superstition.

I say that ideas cannot be harmful except by the misuse made of them; and I prove it thus. Every idea, every thought formed about a proposition is either false or true. I do not imagine that anyone will want to blind himself to the point of arguing that the truth, or a true idea, can be harmful to society. It would be just as valid to prohibit all expression of ideas. Moreover, the good of society demands that ideas be mutually communicated, and the Creator wants us to seek the good of society. But how to contribute to it if we do not know it, and how to know it without having truthful [39] ideas about it? God has thus deigned that we have true ideas about the common good, and consequently that we communicate them to others. Since the Supreme Being cannot desire one thing and at the same time what is contrary to it, it seems first that true ideas, ideas conforming to truth, cannot be harmful; and secondly, from what has been said above, that their expression cannot be harmful to society except by the misuse made of a good thing.

Let us suppose for example that the dogma of polygamy is harmful to society; that can either be proved or not be proved. If it can be proved, [40] all the arguments opposing it will be either without force

or will make the question doubtful. If these arguments are without force, they are also not harmful, because the public will remain convinced of the truth of this proposition. If they make the thing doubtful, it is not proved that polygamy is contrary to the good of society. And lastly, if it cannot be proved, it is undecided whether it is harmful or not; and if the contrary is demonstrated, the error of the affirmative is proved. Every idea is therefore harmful only by the misuse made of it.

I am aware that it will be said that false ideas can be cloaked in a specious covering—that the art of speaking gracefully, of writing elegantly, of proposing things with a certain persuasion, in short that the art of using sophistry can make false ideas appear marvelously true.

I admit it; but this argument carries more weight against my opponents than against [41] me, because it seems by that very fact that it is not the generation of ideas but the way in which they are generated that makes them dangerous—a way that I do not claim to defend here. Let the pen and the tongue of those who use them in bad faith be silenced; one can rightly do so; but let not blindness make us punish the innocent for the guilty. Let it be proved to the public that a given book is only a tissue of sophisms, linked together by malice, and that for that reason one no longer wants the author propagating these ideas; and let it be proved by a solid refutation that the product of such a writer merits only the scorn of everyone. What need to make oneself hissed?

For as soon as the intelligence cannot deny what is evident, and falsehood cannot make it give its assent, it is obvious that only the use one makes of the ideas of another renders their effect harmful or useful; that it is haste, negligence, laziness, presumption, etc. which make a case [42] go wrong, which attention, reflection, rigorous judgment could help to produce a good effect. Thus I ask if in conscience the human race is not wronged when it is deprived of something which does it harm only because the fault of some deforms it.

I will be told that my reasoning is fine for a Platonic republic or for a nation built according to the ideas of a More—that men must be considered as they are; and regard must be had for their faults. I imagine a moralist who says to me, “What I have just described to you in detail is good in theory but worth nothing in practice.” What? I prove that God wills such and such, and my persuasiveness is only speculative knowledge. My soul will tell me that your Creator does not want you to misuse your senses, and I will drive my passions to debauchery.

I will prove that I must prefer my country's good to my own, the salvation of a more considerable member to my own, and my proofs [43] will serve only to play on these truths. Are you afraid of sophisms? Learn to know them instead of losing your time in useless pleasures; and because your assent can be swayed only by what is evident, know that you will be responsible for the bad use to which your negligence or your laziness will make you put the ideas of others.

What? For a bunch of ignorant people, of lazy people, the human race must be deprived of what should be its dearest possession? There, now; either without taking this good from it one can treat what is dangerous in it, or one can forewarn what harm it could produce. I defy the whole universe to show me a single creature who is intimately convinced of a falsehood. Clitandre has read Hobbes; he is in love with him. God, virtue, vices, all is but phantom according to him. Has Hobbes ruined his mind? No. His mind has found the veil that his heart wanted. If our circumstances hamper us from plumbing certain truths, let us have recourse to people who [44] show us, more by their life than by their words, that they have the public good at heart. Let this rule be your law and your religion. Your soul tells you that your Creator desires no other.

Let us admit that there is nothing more ridiculous than alleging the bad use to which certain minds put dangerous ideas, in order to prohibit their expression; and that since ideas can cause harm only in that way, no ideas are harmful except by the abuse which one does to them, and that public interest demands that their expression be free and unlimited.

I do not want to limit myself to these demonstrations. I supposed above that the discovery of truth goes together with the public good, in order to show that for this reason alone some cannot have over others the right to limit the expression of ideas. We will presently conclude that freedom to express ideas is necessarily tied to the public good. One [45] would have to be very bold to deny the premisses. But since I expect anything of my adversaries, I am going to prove this axiom.

It is true or false that the world is subject to good and to evil. If this proposition is false, it is false that God wills the good of what he has created; it is false that he exists, it is false that I write. I will go to no great expense to show the folly of such people. The world is subject to

good. That is a truth. God wills that I should contribute to this good. There is a fertile truth. No matter how I know this second truth: it is my point of departure. God wills that I contribute to the good of the universe. How? By what my intelligence will cause me to know. That is to say that God wills that I should know what the good of the universe [46] consists in. But how to know it without seeking it? I must then seek what the good of the universe consists in. But how yet to know what the good of the universe consists in without having some knowledge of these attributes? And how acquire this knowledge without seeking it? We are then, all reasonable creatures with me, obliged to seek knowledge of the attributes of the universe. Truths being nothing else than attributes of the universe, it follows from this reasoning that in order to contribute to the good of the universe one must know and seek truths. Hence no truth can be harmful to society, and the seeking and discovering of it can only be very useful to society. It is therefore proved that everything that is useful to discovering truth is useful to society, and for this reason is linked to and is necessary to the public good. And that since it is impossible, and even of the greatest impossibility, to discover the truth without seeking it, usefulness to the public demands this search. It follows further from this that if the search for truth absolutely demands freedom to express one's ideas, this freedom [47] will be absolutely linked to the public good.

A Newtonian genius is not necessary to see that without full freedom to express one's ideas, the search for truth is impossible. A proposition cannot be said to be true or demonstrated as long as there are arguments that combat it, or solid arguments for its contrary. So, barring the destruction of everything that weakens a proposition, one cannot boast of having rigorously proved it; or at least the evidence necessary to every truth will be lacking. Well, since, without freedom to express one's ideas, one cannot claim to have seen all the objections, it naturally follows that, without this freedom, one cannot be rigorously convinced of any proposition. It follows further that, without it, we will never be able to be convinced of the truth of a proposition, and that by that fact we will not be able to use it to infer consequences, unless one is willing to consider them as witticisms and fancies.

[48] To make more sense of this, let us add an example to the reasoning. There are many countries where freely exposing one's views on the divinity is prohibited. England is perhaps the only one where

those who have truly extraordinary views in this regard are not prosecuted. But I should like to know if, in good logic, one can hold the existence of God proved, as long as there are proofs for and against the proposition whether there is a God or not. Well, by prohibiting those who have applied themselves to all that is necessary to discover the truth or the falsity of this proposition from expressing their ideas on the subject if the ideas are opposed to the proposition, how can one be sure, how dare one be sure that this proposition is clearly proved, since one voluntarily deprives oneself of everything that opposes it? Between two people, one of whom would listen to the arguments of the other, but would not be listened to, both declaring themselves convinced, which would one trust? And which would deserve to be believed, [49] if one had not the leisure, nor the strength, to go into the matter oneself? Let it be said after that, that one is convinced of the existence of God; let atheists be prosecuted. For me these people will be nothing but impostors who deserve not the slightest attention.

It is therefore hardly difficult to decide how little truth one can discover and how little boasting of it one can do, if one is permitted to express one's ideas only when they accord with those which certain persons have made the public accept and swallow. I would like again to use as an example this same existence of which I have just spoken: the nature of the divinity.

We know, as Mr. Leibniz has proved, that of all possible worlds this was the only one eligible, and consequently also the only one possible, in relation to the divine nature. From there one proceeds from consequence to consequence and one proves that God could absolutely not create another world. I confess that it is a wholly pure truth, [50] which does not need a long chain of reasoning to be made obvious. But it is thereby inferred that this system takes from God his freedom, and that consequently, it is a damnable system, which many do not teach for fear of being labeled heretics, atheists, Spinozists, etc. Nevertheless, in looking at the matter clearly and with a philosophical eye, this accusation is invalid except in the minds of those who formulate certain ideas about freedom, and who locate its essence in a kind of indifference, a power to suspend, etc. Well, if it is not proved that the essence of freedom consists in these attributes of the intelligence, neither is it proved that Mr. Leibniz's system takes away the Supreme Being's freedom. And since we are never freer than when we can determine our

will, there would be much more reason to believe that perfect freedom consisted in the promptest determination of will—such that the Supreme [51] Being would not choose, strictly speaking, but would always determine himself. There is the height of power, directed by supreme wisdom. So the system of Mr. Leibniz, far from taking away from God his freedom, attributes the more perfect freedom to him.

As obvious as this conclusion seems to me, I am however not surprised that certain people regard it as very incompatible with the divine nature. I do not want to go into this matter here, but I ask to whom one ought to refer when one cannot seek the truth oneself? To those who want one to follow their ideas while they are unwilling to listen to what other people's ideas affirm, or to those who weigh the arguments of their opponents, who reflect, and who remain convinced of their system after deep meditation? The answer is very simple, and those who claim to limit freedom to express ideas I leave to judge the advantages that must be theirs from such a procedure. If we apply all [52] these arguments to religion, what source do we not find to prove that freedom to express one's ideas on this subject can never be limited, no matter what country one is in. Is there a subject whose truth influences public utility more, and is there one whose truth or falseness is more important for each individual? How much then ought not research in this regard to be dear to the whole human race? And how does one not wrong it by limiting freedom of expression on a subject which should be exempt, even it were proved (as little as it has been) that this freedom can be curbed on certain points?

Who does not now see that this limitation produces an effect exactly contrary to what is intended—or rather to what is given as a pretext—for it is not very likely that so many years can open the eyes of those who want to see clearly in this regard. What have this limitation, these prohibitions, [53] scaffolds, fire itself accomplished? Nothing but to make the public believe that such ideas have been forbidden only because they could not be refuted or their falseness proved, if indeed it is willing to entertain the question itself and not believe it false, which is only too well refuted by experience.

Having proved that the expression of ideas can harm society only by the bad use made of them, and that freedom to express them is necessarily linked to the human race's happiness, is not all; it is also good to indicate what bad effects this constraint has on ideas.

We have said it above. One dare not push his ideas, out of fear of becoming the object of hatred of a biased and blind people with whom one must live. Is there anything so harmful to the discovery of truth and, by a legitimate consequence, to the happiness of reasonable creatures? If he had been born in a free country as regards ideas, would not Mr. de Maupertuis have surpassed Newton, as in fact he equals him?⁹

They limit, they check, they hinder, [54] they outlaw the freedom to express ideas. Why? To prevent the corruption of weak minds. Are these polished bits of wood that a bad plane could mar, or whose shape could be destroyed by a blunder? You who judge intelligence by your ideas on matter, do you know that your efforts must pervert these minds whose preservation you care so much about? You want them to rely on your decision. Shallow ranters, in vain you call yourselves inspired by a superior and divine mind. Your conduct betrays your speeches; your injustices betray the goal you claim to have; and your lies cover you with shame. Prove your dogmas to strong minds by evidence; and to weak minds by fitting behavior. There is your duty and the only way to subjugate minds.

The mind is not naturally inclined to ignorance; it wants to know before adhering. A hundred, a thousand times you will say to it that right is on your side; it will not believe you at all; it wants [55] to be convinced; a proof is sufficient. A soft and lazy mind listens to you only with difficulty; and the one who demands truths listens indignantly. The first will not take the trouble to become informed whether you or your opponent is right; it will be satisfied with what seems to suit it best. The other wants to judge itself, and will incline to what will force its assent. If it listens to your opponents, it will listen to you, too; and if it cannot hear the former, you will be preaching to it in vain.

Minds inclined toward vice will not be changed by your way of acting, unless it has some effect on them. Persuade them that they are going head first toward their own calamity. Their repentance demands nothing more. If they make fun of it, the care you take to remove their goads is the very thing that makes them even more stubborn and obstinate.

⁹ Pierre Louis Moreau de Maupertuis (1698–1759), French mathematician and astronomer, President of the Berlin Academy of Sciences and Belles-Lettres.

The Books of Moses come from God. So it is said; I must [56] believe it. Phocion denies it; but he is prevented from giving his reasons. If Phocion is wrong, why is he prevented from speaking? Because he retails his merchandise very well, and because he has the gift of persuading by sharing. What then is this gift of persuasion, if not the art of giving the most evident proofs, or at least the most plausible? You want me then to assent to what is proved less, to reject what is proved better? No; you don't want me to take the bait of eloquence, because I am not strong enough to see what is true in the latter argument, and false in the former, and you want to prevent me from falling into error. But if I fall into error in spite of myself, I am no longer at fault. It is enough that I use the lights which God has designed to give me. Society would be turned upside down. A hundred thousand souls would be corrupted with mine. What? God has created a universe which would be wretched, which would be destroyed if his will were followed? No. Well then? God has [57] provided, by placing the care of your souls in our hands. Although this reasoning is as contrary to intelligence as the unequal radii of circles, let us admit it; what will be the result? That in the last resort the affirmative will be doubted, and since it belongs a bit to the realm of the marvelous, it will be given very mediocre credence. One need not trouble for those who believe everything insinuated by nurses and people of a certain sort. In vain would one show them that Jacob mistreated his brother; Jacob would remain God's elect.¹⁰

These mediocre minds must therefore be dumped, and only those who can be convinced of some truth must be considered here. Generally speaking, what will be produced in them by the prohibition of free expression? It necessarily denotes a fear, and therefore indicates a kind of uncertainty and apprehension, which feeble minds will certainly not attribute to themselves, but which they will turn back on those who ought to have the skill to adapt to [58] their weakness. What will be the result? That these weak minds will no longer trust their learned doctors. A very pernicious thing, especially for a society where conviction of the true, from whatever direction it comes, ought to be the foundation, as for those whose object is the worship of God.

¹⁰ Genesis 27.

Let us give an example. Let us suppose that a sovereign is in a dispute with another, and that one of the two prohibits his subjects from expressing their thoughts on the matter and on the cause of their dispute, or on the arguments expressed by the other. This prohibition will denote first of all a fear, which can only cause his subjects to doubt the justice of his cause. If he is right, will his own subjects be the only ones not allowed to be convinced of it? Let us recall here the argument that we have given above. Which of the two will be believed when one is not free to go into the matter himself? The one who allows all the arguments to be laid out or the one [59] who wants to hide some? The decision is not hard.

From another point of view, what a pleasure for subjects to see the justice of their sovereign's conduct, and how much will that excite them to support his cause? Without that would the Dutch be so determined to resist unjust aggressors? One can therefore only make the public doubt when one forbids it the expression of ideas; and remove all its trust, or rather make it believe that one is wrong and looking for every means to blind it. Well, if that is the case, if prohibiting the expression of ideas can only throw men into doubt as regards propositions that are at stake, what way can the public ever be convinced as to religion, as long as one forbids atheists, freethinkers, etc. to write? It is a truth which leaps to the eyes, and which the publisher of *Man a Machine*,¹¹ who can surely not be called partial, has well remarked, when he says in his Foreword, "Why be so attentive and alert [60] to suppress arguments contrary to ideas on the divinity and on religion? Can that not make people believe that one is deluding them? And as soon as they begin to doubt, adieu firm belief, and consequently religion." Mr. de Formey has also very well touched on this truth in his *Logique des Vraisemblances (Logic of Plausibilities)*, where he says: "Why be alarmed at the first movements of unbelievers? By supposing them dangerous and formidable, we make them so."¹² There are some truths which flow so necessarily from the prohibition of expression of

¹¹ Luzac's anonymous edition of Julien Offray de La Mettrie, *l'Homme machine* (1748). See above, "Introduction" to Luzac, p. 14 ff.

¹² Jean Henri Samuel de Formey (1711–1797), *La Logique des Vraisemblances* (Frankfurt am Main, 1747). Formey was a student of Barbeyrac and Secretary of the Berlin Academy of Sciences and Belles-Lettres.

ideas in general, and as regards religion in particular, that I do not understand how it is possible that in a century as enlightened as ours rulers still support those who want to limit this freedom.

After having shown that men should naturally enjoy full freedom of expression, that the public good and the search [61] for truth demand it, let us see if rulers have the right to take it away from their subjects, or to curb it.

WHETHER RULERS HAVE OVER THEIR SUBJECTS
THE RIGHT TO LIMIT EXPRESSION OF IDEAS

When I speak of a right, I speak of a legitimate right, based on the nature of the state being governed or on the just laws which are its foundation. To decide whether rulers can legitimately prevent their subjects from expressing their ideas, or limit them in this respect, we will not go back to the beginning of things, or rather to the beginning of civil societies. We will leave these hidden staircases to those not having eyes strong enough to stand broad daylight.

We have sufficiently shown that according to nature some men cannot have over others the right to limit [63] freedom of expression, and that the public good demands this freedom. Without bothering with the futile fictions of the scholastics, it is enough to remark only that if there is a Supreme Being, rulers have an unavoidable obligation, however free they are, in whatever state they are, to direct their subjects' will toward everything that tends toward the good of their society in particular and of the universe in general. If a ruler believes that he is obliged only to see what can lend grandeur, enhancement, etc. to his state, to know what can contribute to its felicity and to act in accordance, he is mistaken. It is unrealistic to think that one should have in view only his particular good. There is no God, or else this God wills the good of all, and that every individual contribute to it according to the place he is assigned.

Rulers ought then to order the will of their subjects toward this goal, if their submission is unlimited, and [64] subjects are obliged in that case to offer them total obedience.

I say if their submission is unlimited. The basic laws of a state can determine many things, and since they have been instituted for the good, no ruler can have an excuse to neglect them, unless it is clear that they produce a contrary effect.

We have touched above on the duty of creatures and their obligation to work toward all that can procure the happiness of the human race. Rulers and subjects have in this regard an equal obligation. We have

further remarked that according to the principles of good morality, everyone is obliged to follow his own conviction, even if it is wrong. From this we conclude that a ruler should direct the will of his subjects toward all that tends to the good of their own society and that of the human race, according to his own best lights; just as good judgment should direct our members to our own happiness and that of others, according to [65] our own best lights.

Let us see then—for here precisely is what is most interesting in this booklet—whether rulers have the right to limit freedom of expression, and let us suppose first of all a state where the subjection of the subjects is unlimited. By supposing it such, there will be nothing easier than applying what we are going to say to other states which may have a different form. From the existence of a Supreme Being it follows that rulers, as well as their subjects and all other men, are obliged to seek the well-being of the human race in general and that of their own state in particular. Consequently, they have the right to direct toward this goal the will of their subjects, who, on their part, are obliged to total obedience. We have further remarked that according to the principles of good morality each is obliged to follow his own conviction, even if it is wrong. From this we conclude, according to the most rigid way of drawing a conclusion, that rulers ought to and [66] can direct the will of their subjects toward all that they judge suitable to the well-being of society in general, and in particular to that of the state whose heads they are. It follows also that, for the same reason, rulers have the right to limit the freedom of their subjects not only as regards all that can be harmful but also as regards what they judge unfavorable to their state. Therefore, if they are themselves convinced that the expression of certain ideas is harmful, they can prohibit it. From this it seems that there is no need that ideas be contrary to public well-being, but only that rulers deem them so, to be able to prohibit their expression.

This demonstration being very general, it seems that this right of rulers over their subjects does not extend only to certain particular ideas, but to all ideas of whatever kind. Thus, it will be as permissible for rulers to prohibit [67] ideas that affirm religion and good morals as those that serve to show their weakness and folly.

Consequently, rulers who have an unlimited right over their subjects can equally ban explaining passages of the Old and New Testaments, teaching natural and revealed religion, and teaching atheism. They can

even ban all ideas on religion and order public assemblies to listen to atheists.

It is in this way, unless I am mistaken, that among other things teaching the beneficial lie was forbidden in Holland. It was even forbidden to uphold it in writing, so that it was not less shameful and ridiculous to believe that it was permitted to save one's neighbor from a robber's pursuit by a lie than to believe that there is no God. However, one need not be a great genius to prove that the beneficial lie results from the principles of natural religion, and that it [68] cannot be contrary to true virtue, in spite of all that malice has been able to suggest to Mr. de la Chapelle toward drawing odious consequences from it, whose falseness he would perhaps have had much trouble showing.¹³ For, let it be said here in passing, where are the solid proofs which show that it is contrary to the essence of the Supreme Being to use lies? I know all that is said as to God's truthfulness; but a philosopher needs proofs and is in no way satisfied with the mouthing of vain words.

We have come imperceptibly to the consequence that rulers have the right to determine what should be taught and not taught; what ideas can be expressed and not expressed. Thus, if a prince has unlimited power over his subjects he can ordain that children be taught the foundations of good morals, humaneness, charity, mutual love, instead of all those futile controversies that are taught them, well [69] or badly, from the cradle, and which serve only to stupefy them during the course of their lives. He could, I say, suppress all those catechisms, which abound in almost all countries, and which can only serve to make people superstitious and inhuman, and substitute for them others, which would teach one's duty to one's neighbor in general and to one's fellow citizens in

¹³ Luzac refers to the beneficial lies controversy in the Netherlands. On the instigation of Armand Boisbealeu de La Chapelle (1676–1746), a Huguenot minister in The Hague, the authorities intervened and in 1731 two authors were banished from the country and their journals confiscated. For the context see John C. Laursen, "Impostors and Liars: Clandestine Manuscripts and the Limits of Freedom of the Press in the Huguenot Netherlands," in: Laursen, ed., *New Essays on the Political Thought of the Huguenots of the Refuge* (Leiden, 1995), 73–108; and Laursen, "The Beneficial Lies Controversy in the Huguenot Netherlands, 1705–1731: an Unpublished Manuscript at the Root of the *cas Saurin*," in: *Studies on Voltaire and the Eighteenth Century*, vol. 319 (1994), 67–103.

particular. Then one could hope that finally the animosity that always reigns between partisans of churches might evaporate and make room for the tolerance for ideas which is a distinctive trait of the upright and pious man. Catechisms where the bases of these virtues would be naturally exposed and deduced from simple principles, put within reach of a weak and tender comprehension, would in my opinion be more than worth all those composed by vanity every day, and where common sense is totally eclipsed. In conscience, can these booklets produce any other effect than to deprave what [70] good remains to common sense? A surer way will never be found for corrupting the human race, and consequently for defending the thesis that it is naturally corrupt. If it is for this reason that theologians use it, I admire their skill.

From this power of rulers over their subjects a great boon for all nations can also result, namely that of restraining the tongue of their preachers. It is inconceivable to what excess these gentlemen dare to push their insolence. What effects have not been seen and are not seen every day in countries where, unfortunately, they have too much influence, either over the governors or the governed. As they take a certain glory in pulling the wool over their sovereigns' eyes, they let escape no occasion to insult those to whom they owe respect and obedience. That is an effect of freedom of expression that I have no desire to defend here. It is a most evident and gross abuse of it. They are [71] paid to teach the religion of the country. They are accorded freedom to preach divine laws, and not to judge matters which they are not in a position to know and about which they should, like every other individual, maintain in public a profound silence. Has not the impudence of churchmen been seen to go even as far as offering their country on their own initiative to a foreign queen through ambassadors?¹⁴ Since the evil consequences of this ecclesiastical conduct cannot be doubted, and since they are an evident drawback for society, rulers have the full right to check the freedom of these zealous pastors

¹⁴ The rebellious Dutch Provinces declared themselves sovereign in 1587. Nevertheless, in July, 1588, a delegation of the Calvinist clergy (except from the Province of Holland), offered the supreme authority of the Netherlands to Queen Elizabeth I of England. Luzac's likely source was the first volume of the *History of the Reformation and other Ecclesiastical Transactions In and About the Low-Countries* by the Arminian historian Gerard Brandt (orig. 1671; English translation: London, 1720, book XIV, esp. p. 426).

in the expression of their ideas when they cover things which they do not understand at all and are not of their sphere: such as political affairs, internal and external, the morals of public officers, their conduct in certain circumstances, and other suchlike fruits, all of which characterize them as turbulent, factious, ignorant, and [72] dishonorable men (as indeed quite a few among them are). Every ruler not only has the right to restrain this usurped freedom of churchmen but is indeed obliged to do so, because he must know the effect of this limitation, which can only be a great benefit to every nation. On the one hand that cursed vanity with which these gentlemen are inflated to the detriment of public tranquillity would be uprooted, and on the other hand they would have to look in their own storehouse for the means to satisfy, for several consecutive hours, those with the leisure and the patience to listen to them.

Of all that we have just said the conclusion is very easy. It amounts to a ruler's being able to limit freedom of expression indifferently as regards everything, as soon as he is convinced that the public good demands it. But since a ruler, however talented, cannot (unless we except the pope) pretend to be infallible, it follows that every ruler [73] is also obliged to listen to everything that can be said to him to prove that his conviction is false. For it is no less proved that the people must act according to its conviction than that the sovereign must act according to his. From this it follows that if one member of the society thinks that he can show that the ruler is mistaken on a certain point, the right to express his opinion in this regard cannot be refused him. The sovereign will be obliged to change if he is convinced by his subject's reasoning.

It remains proved then that the ruler can restrain freedom to express certain ideas if he judges that the public good demands it. At the same time the people, or the subjects, preserve the right to explain their ideas for the purpose of convincing sovereigns. And since we proved in the preceding chapter that there is really no idea whose expression can be harmful to society, it is also proved [74] that, abstraction made of the conviction of sovereigns, none of them have the right to limit this freedom, because that right would be the result of an erroneous conviction.

If one will once more take the trouble to reflect without prejudice and without passion on what we have said, he will be obliged to agree that the search for truth is necessarily linked to the public good. It is clear that every ruler, whoever he may be and

whatever state he may be in (since just like his subjects he is held to whatever can contribute to the public good), will not be able to use means contrary to the discovery of truth. Since truth can be obtained only by leaving complete freedom of expression, rulers have no right to limit this.

Since moreover freedom of expression can be taken away from men or limited only because of what the ruler believes harmful to society, it is palpably clear that it would be very useful to show [75] rulers which ideas can harm, and which can contribute to the good of society.

We would have then here a very broad field to make them pass in review, and judge which would deserve to be dismissed as inept and which should be counted among the best combatants. But since on the one hand this review surpasses my strength, and on the other I am not sufficiently presumptuous to boast of the serious attention necessary in this respect, I will be content to remark in favor of zealous theologians that it would not be very difficult to show that at the head of harmful ideas, and consequently very damnable, is the one which establishes that the church should not be subject to rulers, that it is a little empire apart, with its own laws, which have emanated from certain men endowed with an inspired wisdom, against whom rulers must ordain nothing and to whom the people owe the [76] blindest obedience, in preference to all others. Where it is a matter of persuasion or conviction, nothing is more absurd than blind obedience. And if it is true that superstition is more harmful to a nation than atheism, as the ingenious Bayle proclaimed, would one not have every right to conclude here that all opinions which lead to superstition should be banished, before thinking of those which can justify atheism? But since Mr. Bayle, ingenious as he was, can be mistaken, just as the great men who preceded him, and since we are very much inclined to believe that he went wrong on this question, let us be content to conclude on the proofs we have given that the expression of ideas considered in itself, not being able to harm and being on the contrary manifestly useful to society, cannot be justly restricted nor taken away from his subjects by any ruler. It is produced by the intelligence, which is not subject to civil laws, with [77] the exception however here, as in all things, of the proper judgment and the proper conviction of rulers about what can harm or benefit society. Let us now pass on to the objections produced against the truths to be found in this work.

WHICH CONTAINS SOME OBJECTIONS TO WHAT HAS
BEEN ESTABLISHED IN THE PRECEDING ONES

We are not ignorant of the fact that a proposition cannot be considered demonstrated unless the objections alleged against the proofs given are solidly refuted and unless the weakness of the arguments put forward for its contrary has been shown.

In order then that nothing be lacking to the evidence of the truths that we have established in the preceding chapters, we are going to examine in this one all that can be objected to them.

There are things, it is said, which if they were taught would not fail to turn a whole state upside down. The right, for example, to get rid of [79] one's ruler and to recover one's original freedom. To what excesses did not this conviction carry the Romans? And how many misfortunes have not been the results of such a disastrous idea? To what will a state not be exposed if all virtues are treated as fancies? And how many misfortunes would the human race not face if one were to convince oneself that *bellum omnium contra omnes* is a true principle, and that men should live as beasts, as Mr. Schmautius taught, after several others.¹⁵ Consequently then, if these dogmas inevitably entail misfortune to society, it is, it will be said, of an absolute necessity that freedom to express ideas be limited, and that those who are convinced of their falseness have the right to restrict the freedom of those who would wish to defend them, because they must follow their convictions no less than others. Well, that is true not only for the ideas mentioned above, but there is an infinity [80] of others subject to the same drawbacks, and which show that it is completely contrary to the public welfare to leave complete freedom to express all ideas.

As specious as the objection is, we will see how much it is lacking in force and how little suited it is to prove what I deny. First, I deny that the conviction of getting rid of an illegitimate ruler and recovering

¹⁵ "Schmautius" presumably is the Göttingen historian and jurist Johann Jakob Schmauß (1690–1757).

one's pristine freedom provides the occasion for greater misfortune than the idea of the contrary. What happiness will a country enjoy, the subjects of which are convinced that their ruler can do whatever he wants, and of which this same ruler is a tyrant? Read history and discover that the abuse of this false belief has had results no less disastrous than that of its contrary. Only a grain of good sense is needed to see how little such a conclusion can flow from the abuse of a truth. And perhaps this conviction is the unique means able to contain a ruler [81] within the true boundaries of a salutary despotism.

I confess that if people were to be convinced that all virtues are but fancies and that we are born to live like animals, I confess, I say, that there would be no better way to make the human race miserable. But from the moment this consequence can be deduced things are being put right, and there is no more need to prohibit the production of arguments that tend to affirm it than there is need to prohibit the teaching that the triangle has the properties of a circle. These principles, you say, are false, and if they were accepted the human race would fall into the greatest disorder. You affirm it probably not otherwise than by solid proofs which you have seen or which you can give yourself. Well, since the evidence is on your side, how can you make such a false supposition, since the intelligence can be swayed only by evidence? By what effrontery can you [82] argue that you can show that two and two are four, and suppose at the same time that people can be convinced that two and two are five? It's a simple truth, you will say, but there are truths which mediocre minds cannot understand. Agreed. Superior minds will see the evidence and will not be able to refuse their assent, because it is a necessary effect of which the evidence is the cause. It will therefore be true that all great minds will be agreed on what is true. This said, how dare one be sure that all great men together will not be able to prevent weak and mediocre minds from letting themselves be duped by the flashiness of the foolish, and that the latter would be more skillful in swaying the mind to lies than the former to palpable truths? That is having a very bad opinion of those who excel in the noblest faculties of the soul. Or rather it is reasoning very pathetically on the nature of intelligence; or rather yet it is being perfectly ignorant of its attributes. [83] I understand that there will be an objection here as to the diversity of ideas. But does that prove anything other than that the evidence has not been developed by one

of the two parties and that this fault comes almost uniquely from the refusal to allow the expression of ideas as to what constitutes the belief of a people one wants to keep ignorant?

It is true that the ruler, convinced of the untruth of certain ideas and of the wrong that their expression can do to his country, has every right to prevent it, because he must follow his own conviction. But I have already shown above how little this truth damages freedom of expression; and one need only recall what I have touched on in this regard to be convinced of that. But what will be the result in smaller bodies, such as that of religion, where one is subject to another only to the extent that truth is on his side? Will the result not be the *bellum omnium contra omnes* that is condemned? And will the two parties not be able [84] to make equal claims as to what can restrict the freedom of others? From this it will follow, even of the most absolute necessity, that it will be only the strongest, not mentally but in wicked schemes, who will have the upper hand. Whichever side of the coin one turns, it is clear that this objection proves nothing against freedom of expression. At the very most one could, by being subtle or rather by putting forward examples, pertinent or not, prove that rulers can hamper the pen and the tongue in regard to certain ideas, a proposition which we have no desire to discuss further here.

An argument that proves too much proves nothing, it will be said, and according to you free course must be given to all the mind can imagine. Well, from that it will necessarily follow that even pamphlets that incite to rebellion must be permitted; which being contrary to the public good, proves that freedom of expression must be limited.

[85] To answer this objection, which does not fail to impress at first glance, I will remark only that it is not proved that thoughts can incite to rebellion, unless one desires to give this name to an uprising against tyranny. In this case I admit that pamphlets can incite to rebellion, first by trying to prove that one is badly governed, that rights are trampled on, and that the country is soon going to change masters. I admit, I say, that in this case they can be of help to rebellion; but then one will be so good as to admit in turn that one wishes to limit freedom of expression only to be able to exercise without risk despotic power, tyranny. For it is as impossible to incite to rebellion a well-governed people as it is to teach algebra to an ox. Thus, as long as there is good government these pamphlets will have no effect. From this it follows quite

naturally that it will again be exceedingly useless and even unfavorable, to prohibit them, for [86] the reasons we have given above. I hold no brief here for books full of indecent and insulting words, but for those where one merely reasons naturally about things. To correct the drawbacks that result from pamphlets that deserve this title, one need only prohibit books that add to arguments insulting or indecent expressions, or which make a single web out of them, and leave in peace authors whose works contain no malice, etc. And if these traits were found, the authors could be punished not for their ideas but for what they totally unnecessarily added to them.

Here is another objection on which I have touched elsewhere and about which there is much to-do. If all subjects, it will be said, have equally the right to express their ideas as regards those of the ruler, there will be no end to pamphlets which, taken together, will not fail to produce a bad effect on [87] the greater part of the people, more used to tasting what is hidden under a flashy cover than what is based on good arguments. Moreover, it will be said, if rulers had to examine everything produced in favor of and against their convictions, they would need no less than a thousand hours in a day to provide for all those reviews; which will also be totally useless, since rulers never lack advisors to produce the effect that one wishes to elicit from the public. It will be concluded from this that freedom of expression can and even should be limited. I answer that it is true that if the freedom to write is not limited it serves to bring to light an infinite number of pamphlets which for the most part are not worth the time lost skimming them. But given that those pamphlets can never cause ill, why forbid them? It is true that people often let themselves be dazzled, and it can happen that they are duped by specious arguments; but since [88] false brilliance never keeps its splendor, it will be as easy to disabuse the public as it was to seduce it. Moreover, what must not be done to gain the trust of the public, which is lost entirely by forbidding expression of its ideas? Note further that non-expression does not always follow from prohibition, and that the desire to express one's ideas is so strong that a way is always found to spread them. From this it follows that in spite of the harshness used to suppress them, they almost never fail to see the light. I have been told that a Swiss theologian, having composed a work, gave it to be examined, and that the examiners found in it some passages not to their taste which they therefore wanted the author to

expunge. He obeyed truth. He took out those passages, but in his book pursued the arguments which preceded them in such a way that the reader was naturally led to them on his own. He added [89] the passages that had been expunged in the form of notes, advising the reader why they were not to be found in their natural place. It will not come as a surprise that the person who communicated this fact to me told me at the same time that those passages were precisely what was best in the book. One can judge after that the usefulness of restricting freedom of expression.

I admit that it is impossible for rulers to know all that is said about them and about their way of directing their subjects' will. But there are matters on which it is not permissible that they scorn the opinion of the least of the citizens.

And since things, small as they may be at birth, can grow to be of consequence, and since beyond that one cannot foresee the influence that certain ideas can have for the public good, it is very natural to conclude that it is much more useful to allow full freedom of expression [90] than to restrict it.

All that is needed after that is the good sense to judge how strong what the advisors put forward is. It is true that a ruler is surrounded by them and needs them. But what do the opinions of these advisors ordinarily amount to? Not to what can be solidly useful to the country of which they are members, but to what can contribute to the strengthening of the house that rules, and to the part they themselves have in ruling; to bringing down other ruling houses; to stripping them, and to raising themselves over those spoils. That is what politics, the only project of those people, often amounts to. Should the ruler then rest only on their advice for all that can be of use to the country? Let us suppose for example that a ruler is very convinced that commerce is absolutely necessary for countries. Will he listen to his advisors, who have frequented only certain academic establishments, profitably or not; who know Greek and Latin; [91] natural law and civil law, with all the ins and outs that go with them; and who are acquainted with the interests of princes, etc.? Will he listen to those people or will he lend an ear to merchants who have been reared in trade and who have had all the time in the world to plumb what it is that drives commerce? Will those advisors decide the question brandished by Mr. Bayle as to whether atheism or superstition is more noxious to society?

But let us for a moment agree to what we can refuse with equal right and justice: that a wise and enlightened ruler admit to his counsel, by writ or orally etc., people from all kinds of professions and of different interests: philosophers, theologians, legal scholars, merchants, officers, in a word all kinds of people, and that he have the skill to choose the best among them; that he have the further skill of listening calmly to them on their different [92] professions and the further one of choosing the best of their advice; does it follow that it will be useful to limit freedom of expression? I think that it can be denied and the denial proved. For supposing what we have just posited, it will follow that everything that can be brought forth will be as quickly refuted as brought to light; all the more so if care is taken to grant to superior minds rewards for the part they have in what is useful to the country. Moreover, what subjects can express is not known beforehand; whence it results that such prohibitions deprive one of many ideas whose value is not known. It is good to remark further that, just as the greatest men often go wrong, the most foolish sometimes express good ideas; and that someone who seems to lack common sense in some matters will be a great man in those where he is competent. From this it follows that one cannot be too informed of what subjects think; because, beyond [93] all these uses, there is the added one of knowing their ideas and, consequently, the power to govern them accordingly. Add to that the distrust on the part of subjects, which we have already shown more than once, and then the ease one encounters in expressing ideas in spite of prohibition.

But what is amusing in addition is that a manifest contradiction is implied in supposing freedom of expression checked and the ruler enlightened or surrounded by experts and wise men. For I ask whether the persons who serve as advisors etc. can have a solid acquaintance with matters without having studied in depth what constitutes the object of their advice; and whether they can have completed this study without having weighed everything that is put forward pro and con. Can a ruler or his advisors know natural law and civil law in depth, for example, without knowing what weakens the arguments of Hobbes and so many others, who have gone astray on certain points [94] of this body of knowledge? Can they decide whether a peace made out of fear must be religiously observed or not; what is necessary for a just uprising against rulers; and a thousand other questions of that kind? Let us

suppose that two rulers have contrary opinions on the question of whether a peace made out of fear must be observed, and that each of them forbids his subjects to express ideas contrary to his opinions, and that he is fortunate enough to reach his goal, i.e. to draw his subjects to his opinions. Let us further suppose that all the rulers of the earth act likewise; what will be the result? The result will be what is seen to happen only too often, that a nation's power will render justice by means of an incident, a war, a massacre, in short by whatever is the most dreadful gift offered by weapons. In truth this is not generally seen in politics; but such injustices are almost general in all nations in regard to what concerns the worship of a God. After that let be weighed [95] what should prevail: the interest taken in favor of weak minds which might be seduced, or rather all the usefulness that results from freedom to write.

There are balanced people who, convinced of the truth I am defending here, can yet not take it upon themselves to grant to atheists the freedom to express their ideas. I make no claim of accusing them of a zeal that blinds them, but will limit myself only to showing the weakness of the strongest arguments they can bring forth.

According to the atheist, they say, no duty is of obligation; thus we have the right to limit this freedom as soon as we consider it right to do so and as soon as we can make our will prevail. I grant that; but I say at the same time that the atheist is to be excused for following the movements of an erroneous conscience and a false conviction; but that we are not to be excused, as soon as we follow principles that we recognize as false. From this it follows that having no right to argue according to the principles [96] of atheists, we will not have the right either to limit the freedom of atheists to express their ideas; because this right is evidently contrary to our principles. In addition their malice, their stubbornness, their voluntary blindness is wholly contrary to the duties of mankind. Even if that were as true as it is unproved, it is not fitting to forbid them to express their ideas if only because it is useful and necessary that the untruth of their arguments, the weakness of their reasoning, be brought to light; because no occasion is given to weak minds to doubt their faith; and finally because no legitimate occasion is given to atheists themselves to think that truth is on their side.

REASONS WHICH CAN PROMPT MEN
TO LIMIT THE EXPRESSION OF IDEAS

Because it is as unjust as it is useless to restrict freedom of expression, it would perhaps be profitable to know what has given rise to limiting, by rather strict laws, a freedom which seems so useful to every nation.

Without losing the respect due all rulers, I hope that I will be permitted to seek the cause of that respect, in consideration of the proofs I have given for freedom of expression and in consideration of that freedom so natural to republicans, which distinguishes [98] them more than any other.

One must not expect me to go looking for complications and to cover the whole circumference before reaching the center. Its cause is too simple and too natural.

Let us first note that the perverse, ignorant man who is at the same time scornful of the duties incumbent on him is by that very fact more inclined to jump on the rights of others; and that a right taken away or altered is not only a bad effect, but the effect of a cause that can only be perverse. From this it follows that the principle that induces men to limit freedom of expression can only be a very perverse principle.

I have said that a ruler can have the conviction that the expression of such and such an idea will harm his nation; but I have shown at the same time, and with enough evidence unless I be mistaken, that this conviction will be only an erroneous conviction, because it is proved that the expression of an idea, whatever it may be, cannot [99] be harmful. Well, since an erroneous conviction is only a false judgment, produced by the lack of necessary knowledge, and since this lack goes by the name of ignorance, it follows that ignorance can occasion the attacks directed at freedom of expression. It is the only excusable cause, because every intelligent being is bound to follow his conviction, and because the imputation falls only on neglecting to take advantage of the talents nature had given to acquire the faculties of a clearer reasoning and a sounder judgment.

Man is naturally inclined to want to command and rule others. Only with difficulty does he support slavery or a state that obliges him to obey; and these two reasons make him look for every means to make himself independent and despotic.

Rulers or those who rule in their stead want to have their arms free in all their actions; the [100] people do not consider themselves obliged to unlimited obedience in all regards; and the different institutions claim (more or less) a certain independence and a certain superiority over those whose leaders they are.

Theologians are the ones who have most exaggerated this so-called and imaginary right. One has only to read what Mr. Barbeyrac says of them to have no more doubt about it.¹⁶ And without going into details, it is enough to remark here that that great man attributes this desire to an inordinate ambition.

Nevertheless it is incontestable that a people cannot obey two superiors at once. In every nation, whatever it may be, there can be only one head with which all members are obliged to fall in; that these members (or this head) are either simple or composed of other parts which make them eminent.

[101] It is therefore right that all rulers want their subjects submissive to their will. But it is no less right that the subjects claim that their rulers should use this submissiveness according to the rules of equity and that they not abuse it by a power transgressing the bounds prescribed by the nation's welfare, since it is only in view of this end that they are the countries' heads.

It is also good to recall here a remark that several judicious people have made, viz. that in general there would not be such great repugnance to being governed or being subject to laws and to superiors if one were convinced that these laws tended only to our welfare, and that only our welfare was being pursued by those who exercise the right of ruling us and who have, moreover, the power to procure this welfare for us.

¹⁶ [Luzac's note] [Barbeyrac], *Oratio de Magistratu, forte peccante, a pulpitis sacris non traducendo* [Groningen, 1721].

Barbeyrac's anticlerical lecture on whether it was just to denounce the magistracy from the pulpit if it had committed an error was often quoted in the eighteenth-century debate on toleration in the Netherlands.

No reasonable being (I except in this whole work, and especially here, the superstitious and the stupid) [102] will impugn being subject to the will of God and to the laws he has prescribed for us by means of the faculty of thinking. For the essence of this being includes a will and a power to do us good. Do I need any more in order to commit myself entirely to his providence and to follow religiously the light he has given me? Do I need more to love him, adore him, to thank him every hour of the day for his blessings? Is it credible that the absolute necessity (moral as it is) which leads this Being by the perfection of its nature to desire only the well-being of its creatures, and to be absolutely unable to desire anything other, is it credible that this necessity will lead me to ingratitude? Far from it. Clitandre is wise; his wisdom makes him abstain from debauchery and to do me justice at the risk of his life. If his wisdom did not have this necessity, it would be less strong and Clitandre would be a less upright man, less wise, and I would be less obliged to be grateful to him.

[103] To return to our topic, let us further remark that rulers are obliged to direct the will of their subjects toward everything which aims at their welfare or at that of the universe in general. Whence it is obvious that a ruler should be a very enlightened person, as much as regards what concerns his nation as what concerns others.

But from another point of view it is no less true that a ruler cannot be perfect. The quality of ruling others does not make him stop being human and does not make him less susceptible to shortcomings. It would even be desirable that that quality never make them more likely to fall into vices which by that very quality have a necessary influence on a whole people and sometimes on a great part of the universe, as for example an inordinate ambition, a blind fondness for one's own religion, etc.

Since rulers can thus not stop being men and having only a limited knowledge of what they should know profoundly, it is [104] absolutely necessary that they make up for what they lack by the knowledge that enlightened people can give them. This has given rise to parliaments and to the different institutions found in a nation; to these the ruler commits the administration of what comes within their purview. Although they often give rather extensive power to these different entities, it is nonetheless incontestable that the members of these institutions are only administrators and executors of the ruler's will,

which always remains their soul and from which the power as judge of last resort can never be taken, whatever privileges he has accorded them. It is also only for this reason that the ecclesiastical body enjoys certain rights and that the father of a family has rather unlimited power over his children.

If rulers were always sufficiently enlightened to choose only the best among their subjects, and if control of affairs were always entrusted to the best qualified people, [105] whose ability was always measured in terms of the object of their concern, people would undoubtedly enjoy to the fullest a peaceful and serene life and there would be always the most perfect harmony between rulers and those who are ruled. Unfortunately, such is not ordinarily the case. A ruler, either by lack of discernment or by a weak education unworthy of such a sacred rank, knows those who approach him only by flattering portraits and confides in them the care of his nation only according to his mood and inclinations. Often the skill of a favorite, with the gift of insinuating himself by shameful conniving and the art of agreeable flattery, constitutes the only merit of him who rules in the name of the king. The ability to work one's way into female society is no small step in one's first posts. Lucullus needed no other to obtain command of the army against Mithridates.¹⁷

[106] Because the world is made thus, and because those who govern on behalf of rulers and in their name are often incapable, vicious people whom dignity and rank serve only to make even less apt to their duty. The result is that the people, badly led, badly treated, and in the end tyrannized, look only with scorn and horror on those employed by the ruler for the welfare of the nation. This gives rise to defiance, hate, etc.; they eye each other as mutual enemies and for this reason seek only to hurt each other, making of a happy state a deplorable one, which can only perish, as a body whose parts, instead of being at one, destroy each other.

After that it is no longer difficult to see what gives rise to limiting expression of ideas. Just as a bad administrator fears his behavior being examined, his lack of ability being discovered, his abuse of the power

¹⁷L. Licinius Lucullus, Roman general and epicurean, defeated Mithridates VI, king of Pontus, in the war of 74–71 B.C.E.

given him, [107] so the heads of the different institutions fear that the ruler will finally open his eyes and see that thanks to his laxity these people merely drag him into an abyss which sooner or later will be disastrous for him. Rulers fear in turn that finally the people will find legitimate reasons to withhold an obedience whose ties the rulers themselves have been the first to break.

It is further seen that those who approach princes seeking to insinuate themselves little by little and to rise to the rank they aspire to are careful to inspire in them from childhood ideas they never rid themselves of and which they believe they can profit by later on. These ideas almost never fail to work and to produce the disastrous effects which were contemplated, unless the rulers open their eyes and themselves study what constitutes a nation's welfare.

Consequently it is clear that in granting full freedom of expression one makes oneself liable to being [108] convicted of ignorance, malice, and other such vices, and that rulers or such others as govern would have no reason to prohibit expression if they were virtuous.

It is very true that rulers, unable to be perfect, are for that very reason subject to failings, since a lack of perfection necessarily involves some failing. It is further true that by giving free rein to the expression of ideas, many minds of a certain kind would, out of malice, envy, or another motive, be sure to bring to light the rulers' failings. These attacks against majesty could only serve to diminish their authority in the mind of their subjects. I admit it. But from another point of view, if only the rulers have good qualities that outweigh the bad, they will find enough reasonable subjects devoted to the welfare of the nation who by a natural accounting of the good qualities of the prince contrasted to his failings will be able to [109] overcome the disastrous effects that one would perceive from another point of view. For a child to hate its father, the father must give cause. It is the same with superiors. Subjects are naturally inclined to respect their prince. If they lose it, it is because it cannot be kept. The king of Prussia, for example, need not fear that his subjects stop loving and respecting him.¹⁸

Moreover, this fear that rulers might have of seeing their faults uncovered one day can be very useful to them, because it will cause them

¹⁸ Frederick II (1712–1786).

to be more on their guard against vices and to become more virtuous. This is a doubly useful consequence, because by it rulers would become more fit to govern and they would lay themselves less open to caustic minds.

It seems then that it is ignorance and fear of seeing one's faults uncovered, and by a natural consequence the apprehension of no longer being able to act [110] despotically, then finally an inclination to yield to the illusions of one's heart, that give rise to the limitation of freedom of expression.

Let us add another cause. Laziness. We no longer know the Persian era when the most comfortable and most considerable youths were raised in such a way as to strengthen and harden them against weariness of body and of mind.¹⁹ A soft and effeminate upbringing is seen as the prerogative of the grand, and work is reserved only for those named the little people. Thus one sees these people, known as people of quality, fine-looking people, grand lords, etc., completely unfit for the posts in their charge, and as much less fit for discharging the smallest affairs as being destined for the greatest. The king whom I have just mentioned is perhaps the only exception to this [111] rule, which is only too general. The difference between this monarch and almost all other rulers shows the exception's propitious results in the surprising increase of his power.

If we consider now what this laziness must necessarily produce, it will easily be seen that those whom birth, intrigue, or favor have made rise to a certain rank have not the courage to become worthy of it or are so ungenerous as to be unable to yield to more capable people. Beyond that, since they fear, by a natural self-esteem, losing the esteem and respect which common people attach to the rank they hold, it will be easily seen, I say, that these personalities have to use every means to strengthen a blind prejudice in their favor, and to hinder every means which could cause that prejudice to totter or bring it down altogether. To this end there is no better means than limiting expression of ideas, because on the one [112] hand that shelters them from the mortification of seeing their faults brought to light, and on the other enough sycophants are always found to attribute to them virtues they should have and unfortunately do not.

¹⁹ See Xenophon, *The Education of Cyrus*.

If one takes the trouble to reflect on all I have just said here and on the interest which ecclesiastics can have and which they take in limiting freedom of expression, he will easily be convinced that ignorance, ambition, and laziness are their principal motives.

Let us now gather up everything we have said in this chapter, and in going over the material again let us see what truths result.

It is not to be doubted that in order to give free and ungrudging obedience one needs the conviction that one is well governed and that those to whom this care has been committed seek only our welfare, without wanting to deceive us. It is thus very necessary that those charged [113] with the care of governing a state, a society, etc. try to inspire in their subjects this conviction; without it they can expect only hatred, animosity, murmuring, and finally rebellion. What way is there to obtain these two effects when one cannot show the rectitude of his behavior and the need he has to act in such a way and not in another, and that he has the right to oblige others to follow his will and to make them feel his power? It is entirely natural that, to attain his goal, he should remove everything which can form an obstacle to it. This truth is very simple. And when it is a question of ruling, one must not only have the power, but it is also fitting that those who must follow the good pleasure of others be convinced that they are well ruled according to the laws of justice, by people worthy of holding the reins they have in their hands. Well, if the public is free to prove that it is badly ruled, to show that [114] those at the helm of affairs understand nothing, or look rather to their own interest than to society's; if some turbulent mind can, at the first movement of his fancy, show the people and the ruler that they are bamboozled by people who deserve their indignation rather than their favor; if one is drawn along by this desire for despotism over others; if one wants to stay in place or in possession of posts which birth, chance, or intrigues have gotten for us in preference to others more worthy to occupy them and more reserved in soliciting them, and which laziness prevents us growing into; what better means of winning the confidence of subjects, so necessary for our own protection, at the very least, than freedom to express ideas as to our skill, our faults, and our actions? It is then and then alone that one can without fear turn to good account the power one has usurped over weak and vulgar minds, [115] and make them believe that even the mortal blows one visits on them are so many necessary operations for their well-

being. That is so true that one sees this freedom as much more limited as the government approaches tyranny and as it is less based on right than on power. “Is there anything more tyrannical and more abominable than the tribunals of the Inquisition, which to the shame of religion and of humanity itself hand over to the secular arm innocents condemned by villains, while there is a plenary indulgence for all sorts of crimes before the judges of this order authorized by the laws of various countries.”²⁰ Would these tribunals survive if popery did not take care to limit the expression of ideas about their treacheries? But these arguments are even stronger when one has neither the right nor the power to subject others and [116] yet claims to. For since obedience is then founded only on the ability and the superiority in good qualities of those who want to rule, it is clear that this despotism crumbles as soon as it is shown that those who flaunt it are equally unworthy and incapable, or as one shows that the reasons that lead others to obey are as wrong as they are unfounded.

Let us not then be surprised at the care taken by administrators of churches to limit freedom of expression. The motives which we have just indicated are so exact and so strong that one must have as little good sense as judgment not to see the need for it. But one might grumble that these administrators do not admit these motives and parade out others that can not fail to be ridiculed. I would wish them as sincere as I am in this work; having no other goal than to be of use to the public and wishing in no way here to play the role of true [117] theologians, whom I esteem as much as one must and can esteem wise men who have devoted themselves to the most useful and most necessary of human sciences. I would be charmed to be convinced here of being wrong and to be shown the falsity of my conjecturing, to have the real reasons for which freedom is limited pointed out to me. I do not even ask so much. I will be happy if I am shown that other motives are possible.

But if such are the motives and the reasons for limiting freedom of expression, what respect can sensible people have for those who abuse their power in such a way? What love, what obedience can they show

²⁰ [Luzac’s note] Barbeyrac: *Disc[ours] sur la perm[ission] des Loix* [où l’on fait voir que ce qui est permis par les loix n’est pas toujours juste & honnête; prononcé aux promotions publiques du Collège de Lausanne, le 8 de mai MDCCXV (Geneva, 1715)].

them, and how should they regard them? Let the reader be the judge. Happy at having indicated the spring whence can flow this fury against freedom of expression, I will merely remark that these motives show that their effect can only be very hurtful [118] to every society, to all of humanity, and to the search for truth, which should be so dear to us.

I do not wish to deny that the well-being of the nation seems to demand sometimes that this freedom be limited. It can even be that its abuse has often given rise to that. What pamphlets are not seen, for example, scattered throughout a republic, and what speeches are not sown, not only against one's own rulers but also against foreign powers? Speeches which can be used, if not as legitimate causes, at least as pretexts, for an open rupture, as has been seen more than once; though the part of justice and of magnanimity is to scorn these products of a few hare-brains, as is well proved by the natural and civil law. But do these strict prohibitions have the desired effect? And in countries where the pen is least free, does one not see products which could not be bolder even if the broadest freedom existed there? [119] It may be, I say, that rulers have sometimes thought themselves obliged to restrict freedom of expression. But in spite of all that, I can scarcely be convinced that this abuse is the real reason for limiting this freedom; and I would be more inclined to think that those wanting to restrict it use this pretext to achieve their goal. For in the final analysis, and speaking naturally, if this abuse were the true reason, it can consist only in indecent expressions accompanying the production of these ideas; because the seeking of what is fair or unfair, done with the respect owed to those of whom one is speaking, can never harm them, whatever are the facts being examined. Since the abuse can thus consist only in immoderate terms, which have no connection with the search for the true and the false, it would suffice to punish more harshly those who let themselves be led by a blind passion to the point of forgetting themselves in such a way, [120] without letting one's resentment fall on authors in general. It is clear that those who use immoderate expressions can by that very fact not have usefulness to the public as their goal, and that those who simply express their ideas can have no other goal, at least insofar as we are allowed to judge moral acts. For vanity, the desire to shine, a certain literary ambition, can very well play their little part. But if these faults could damn authors, how many writers would not undergo atrocious torture? What makes me think that abuse

in expressing ideas is only a pretext to limit freedom of expression is that ideas on religion are not subject to the same drawbacks, and that nevertheless this freedom as regards them is checked no less than as regards those ideas which relate only to politics. If I were forced to give the reason for this with the candor normal to a person who regards this quality as one of the [121] highest virtues, I admit that I would give no other than that of a Dutch author in defense of entertainments in Holland and especially comedies in Amsterdam. In olden days, this author says, if I am to believe a friend who has so written me, there were no comedies in our province, and it all added up to certain clubs that from time to time put on a play in which manners were nakedly exposed and in which the freedom to show serious shortcomings was exercised. These plays, he says, contributed in no little way to show the people what it was and to inspire in it that aversion for the monarchy which was of great help in the uprising against the king of Spain. Apparently, he says, people are fearful today of showing the truth to the public, and they want to indulge themselves in all sorts of things without their being shown; since the churchmen have gotten agreement that there be no more theater at a time when plays could have been put on capable of inspiring courage and of increasing a republican spirit [122] in the audience. This same friend, Dutch by birth, who wrote me on the matter I am presently treating, adds among other things in his letter: “Who will deny that the excellent productions of Mr. van Haaren have contributed to and have unconsciously prepared minds for the happy event that has returned to my native land its former constitution?”²¹ For if it is decisive (thus he continues) that the failure of the government caused the people to have recourse to the prince of Orange as their sole support, it is no less decisive that the pointing out of this failure provided a powerful motive.” There are the happy effects one should expect from freedom of expression, as long as it is treated with care, as this excellent author did and as each one should do. As long as a ruler governs his people fairly, as long as truth is on our side, we

²¹ The Frisian nobleman and poet Willem van Haren (1710–1768). When a law student in Groningen in the 1720s Van Haren lodged at Barbeyrac’s house. The “happy event” is the restoration of the stadholderate to all seven provinces of the Dutch Republic in 1747.

have no need to fear. The assaults of those who chance to attack us will be totally wasted.

[123] Let it then be frankly admitted (and this admission will decide between the upright and the indicted) that if one wishes to take away from others freedom of expression, it can only be for a motive of tyranny, of laziness, or of fear of being convicted of bad faith or of ignorance. But if such is the motive that causes some to want to limit or take away from others freedom of expression, what will not be the obligation of those whom love of truth inspires and who desire only to undeceive the public? Must they blindly submit to the unjust claim of imperious idlers? Must they accept the yoke one would like to impose on them? Will it not be allowed them to rear up against the injustices, to defend themselves against the attempts made to paint them as odious? Which of the two parties deserves here to be regarded as social monsters?

In fact, all those rants that theologians use to stir up the crowd against atheists, [124] do they show anything other than a base and cruel spirit? They can inspire only hatred, cruelty, and sap the foundation of what one wants to defend with so much fire.

Thus only a bad principle commits men to undermine freedom of expression. The good of society does not demand it. One has no right to do it and it is done to no avail. That, I think, is all that is necessary to prove that each must be left to enjoy freedom to express his ideas.

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INTRODUCTION TO
CARL FRIEDRICH BAHRDT'S
*ON FREEDOM OF THE PRESS
AND ITS LIMITS:
FOR CONSIDERATION BY RULERS,
CENSORS, AND WRITERS (1787)*

By John Christian Laursen
and Johan van der Zande

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INTRODUCTION TO CARL FRIEDRICH BAHRDT'S *ON FREEDOM OF THE PRESS AND ITS LIMITS* (1787)

Carl Friedrich Bahrdt's efforts to promote freedom of speech, freedom of the press, and religious tolerance led him to an untimely death in 1792. He had managed to pack a lot into his life by that time. In addition to teaching at two universities, running two progressive schools, owning a country inn, organizing the secret German Union, and fathering several children in and out of wedlock, he had written over 130 pamphlets, articles, and books, including a partial translation of the New Testament, manuals of ethics, novels, a play, and an autobiography.¹ From the point of view of the history of the idea of freedom of the press, the most important of these was *On Freedom of the Press and its Limits: for Consideration by Rulers, Censors, and Writers*, published anonymously in Vienna in 1787.²

Bahrdt was not the first German to defend freedom of the press, but he was the first well-known writer to dedicate a book to the matter and then to follow it up in several later works, driving home its importance in late eighteenth-century Germany.

There are several contexts for understanding and evaluating Bahrdt's achievement. The first is his own life, in which this book was number 107 of his publications. The second consists of the intellectual streams which fed into his press theory, of which three will be taken notice of here: the German natural law tradition, the rise of self-conscious journalism, and the international philosophical-literary tradition. And finally, there are the more local matters—but just as important—of the

¹ Otto Jacob and Ingrid Majewski, *Karl Friedrich Bahrdt: Radikaler deutscher Aufklärer* (25.8.1740–3.4.1792). *Bibliographie* (Halle, 1992).

² Karl Friedrich Bahrdt, *Über Pressefreyheit und deren Gränzen: Zur Beherzigung für Regenten, Censoren und Schriftsteller* (Züllichau, 1787); second edition under the title *Über Pressefreiheit und deren Grenzen: ein Wort für Regenten und Schriftsteller* (Züllichau, 1794); Danish translation, *Om Trykkefrihed* (Copenhagen, 1797). The present volume substantially revises and completes the partial English translation in James Schmidt, ed., *What is Enlightenment? Eighteenth-Century Answers and Twentieth-Century Questions* (Berkeley, 1996), 97–113.

publisher and the reasons for publication in Vienna and of the impact of the book in Bahrtdt's Prussia.

Bahrtdt's Life

Bahrtdt lived the kind of life that might have been expected to raise issues of freedom of the press. Trained as a theologian, he spent much of his life involved in theological controversy. His thinking evolved from more or less conventional Protestantism toward natural religion. Judging from some remarks in his last writings, he eventually came to doubt most of the tenets of Christianity, although he never abjured his religion.³

Influenced by the new theology of the day, Bahrtdt's modernized and naturalized translation of the New Testament in 1773–74 explained miracles as natural phenomena and resolved textual problems in ways that stressed individual faith at the expense of the institutional church.⁴ Naturally, it was banned by Imperial Decree in 1779. Unrepentant, Bahrtdt reaffirmed his views in his *Confessions* of 1779 and issued a *Life of Jesus* the same year which presented Jesus as a good man and nothing more. Bahrtdt was run out of teaching jobs at Leipzig, Erfurt, Giessen, Marschlins, and Hildesheim by colleagues or other officials who feared what they perceived as his attacks on Christianity.⁵

Not long after his book on freedom of the press, Bahrtdt wrote a satirical play in response to the Prussian Edict of Religion of 1788, which was designed to prevent attacks on religion of the sort that Bahrtdt had made a career of making. That play, *The Edict of Religion: A Comedy*, made fun of Prussia's principal minister, Johann Christoph

³ *Dr. Carl Friedrich Bahrtdt, Geschichte seines Lebens, seiner Meinungen und Schicksale. Von Ihm selbst geschrieben*, 4 vols. (Vienna, 1791), IV, 111. See also *Anekdoten und Charakterzüge. Aus der wahren Geschichte für Liebhaber des Vademekums und ernsthafte Leser. Ein Nachlaß von Carl Friedrich Bahrtdt* (Germanien [Hamburg], 1793), 132–34.

⁴ See Michael Heymel, "Die Bibel mit Geschmack und Vergnügen lesen: Bahrtdt als Bibelausleger," in: Gerhard Sauder and Christoph Weiss, eds., *Carl Friedrich Bahrtdt (1740–1792)* (St. Ingbert, 1992), 227–57.

⁵ See Sten Gunnar Flygt, *The Notorious Doctor Bahrtdt* (Nashville, 1963).

von Woellner, and many other officials.⁶ Bahrtdt was prosecuted for *lèse majesté* and imprisoned for over a year. His health declined and Woellner had him released to prevent him becoming a martyr. He died in 1792.

German Natural Law

Bahrtdt's predecessors in the German natural law tradition had already had something to say about rights and freedom of the press. Christian Thomasius was an important figure from the very beginning of the eighteenth century, developing earlier strands of thinking about *libertas philosophandi* in the *respublica literaria*.⁷ Then, Christian Wolff published widely influential expositions of the rights to life, to the use of natural powers, to property, honor, and freedom of opinion which Bahrtdt surely knew and drew upon.⁸ Basically, these rights were remnants from the state of nature that supposedly preceded the modern state and in its interest could be suppressed if necessary. There was little that was politically or socially radical about these theories. So Thomasius was content with private freedom of conscience whereas public expression could be censored, and Wolff allowed limits on freedom of opinion if it endangered the state, religion, or individual

⁶ Bahrtdt, *The Edict of Religion. A Comedy, and The Story and Diary of My Imprisonment*, ed. and tr. John Christian Laursen and Johan van der Zande (Lanham, MD, 2000). On Woellner see: Michael J. Sauter, "Updating Enlightened Absolutism: The Prussian Monarchy after Frederick II." Paper presented to the conference on "Monarchists and Monarchism in the Seventeenth and Eighteenth Centuries" at the William Andrews Clark Library, Los Angeles, November 15–16, 2002. Publication forthcoming.

⁷ See Horst Dreitzel, "Christliche Aufklärung durch Fürstlichen Absolutismus," in: Friedrich Vollhardt, ed., *Christian Thomasius (1655–1728)* (Tübingen, 1997), 17–50.

⁸ Especially Christian Wolff, *Institutiones Juris Naturae et Gentium* (Halle, 1750). See Thomas Hoeren, "Carl Friedrich Bahrtdt und Christian Wolff. Zu den rechtsphilosophischen Grundlagen des europäischen Präjakobinismus," in: Erich Donnert, ed., *Europa in der Frühen Neuzeit*, 5 vols. (Weimar, 1997–2000), II, 393–405. Hoeren discusses Bahrtdt's *Handbuch der Moral für den Bürgerstand* of 1789 and his *Rechte und Obliegenheiten der Regenten und Unterthanen in Beziehung auf Staat und Religion* of 1792 without noticing that all of these rights had already been claimed in Bahrtdt's book on freedom of the press of 1787, which he cites only once (p. 400). This has the effect of making it appear that Bahrtdt's thinking post-dated the French Revolution.

honor. This older tradition of natural law is, as Diethelm Klippel puts it, “best seen as a political theory for absolutism and enlightened absolutism.”⁹

A newer tradition in German natural law emerged in the 1780s, conferring on each individual human being personal, inalienable rights that not even the state could violate. In 1784, for example, the physiocrat Johann August Schlettwein’s *The Rights of Humanity* insisted that neither the social contract nor government should limit natural liberty and the natural rights of the individual.¹⁰ Bahrdt’s closest predecessor was Johannes Kern, whose *Letters on Freedom of Thought, Belief, Speech, and the Press* of 1786 based rights to the liberties in the title of his book on the social nature of mankind.¹¹ Freedom of the press was “an original, inalienable, unchangeable right of humanity.”¹² Yet Kern thought caution necessary in exercising this right. Rulers and the state, religion, and personal honor must not be publicly attacked, and the authorities should defend them, he writes. It may be true, as Jürgen Wilke remarks, that much of the program of the Enlightenment is blunted if writers cannot publish criticism of the state, religion, and other writers.¹³ But most Enlightenment writers would agree with Kern even if only for tactical reasons while believing that in the end Enlightenment would prevail. Appropriately nuanced, these were also the limits that Bahrdt put on the press.

⁹ Diethelm Klippel, *Politische Freiheit und Freiheitsrechte im deutschen Naturrecht des 18. Jahrhunderts* (Paderborn, 1976), 15. Klippel mentions Bahrdt’s press book only once (p. 143) and dates Bahrdt’s discussions of human rights to his 1787 *System der moralischen Religion* and 1792 *Rechte und Obliegenheiten* (pp. 121 ff.).

¹⁰ Johann August Schlettwein, *Die Rechte der Menschheit oder der einzige wahre Grund aller Gesetze, Ordnungen und Verfassungen* (Giessen, 1784). See Diethelm Klippel, “The True Concept of Liberty: Political Theory in Germany in the Second Half of the Eighteenth Century,” in: Eckhart Hellmuth, ed., *The Transformation of Political Culture* (Oxford, 1990), 457.

¹¹ Johannes Kern, *Briefe über die Denk- Glaubens- Red- und Pressfreiheit* (Ulm, 1786), 92–95. See Jürgen Wilke, “Die Entdeckung von Meinungs- und Pressefreiheit als Menschenrechte im Deutschland des späten 18. Jahrhunderts,” in: Otto Dann and Diethelm Klippel, eds., *Naturrecht – Spätaufklärung – Revolution* (Hamburg, 1995), 126–31.

¹² Kern, *Briefe*, 91. We have translated *Menschenrecht*, *Recht der Menschheit*, etc. as “human rights,” “rights of humanity,” and so forth.

¹³ Wilke, “Die Entdeckung,” 130.

Wilke is right to wonder how much Bahrtdt may have borrowed from Kern, even though Bahrtdt never mentioned him.¹⁴ A first point would be that in late eighteenth century Germany there was no widely accepted sense that writers should credit each other for ideas. Bahrtdt's chief intention was to make a living from his writings, and if quick plagiarism could help him, he was not above it. On the one hand, the theories of both men coincide on many points; on the other hand, as we shall see below, many of these ideas were already "in the air," and both could have drawn from the same sources.

Bahrtdt's exposition of natural law in *On Freedom of the Press and its Limits* went beyond the older natural law in a number of ways.¹⁵ Unlike Wolff, he did not ground rights in a state of nature, and thus they could not be traded away for the benefits of social life. Rather, they were rooted in human nature, which was above the rights of princes. Bahrtdt's book on freedom of the press became one of the founding documents of the newer tradition of liberal natural law.¹⁶ Bahrtdt expanded on his views of natural law in several later books, including a *Handbook of Morals for the Middle Class* of 1789, which he wrote while he was in prison. His final statement on natural law was *Rights and Duties of Rulers and Subjects in Relation to the State and Religion* of 1792,¹⁷ in which he speaks of a right to satisfaction of sexual urges, right to honor, and right to publicity, among others.

Besides the natural lawyers, most German lawyers were, of course, employed by the various rulers and for that reason not likely to have much of an interest in extending freedom of the press. One opponent of the smaller courts on behalf of the constitution of the Holy Roman

¹⁴ Wilke, "Die Entdeckung," 134-35.

¹⁵ See Jörn Garber, "Vom 'ius connatum' zum 'Menschenrecht.' Deutsche Menschenrechtstheorien der Spätaufklärung," in: Reinhard Brandt, ed., *Rechtsphilosophie der Aufklärung* (Berlin, 1987), 112-16. Garber relies on Bahrtdt's *Handbuch* (1789), *Würdigung* (1791), and *Rechte und Obliegenheiten* (1792), missing the earlier book on freedom of the press.

¹⁶ See Diethelm Klippel, "Naturrecht als politische Theorie. Zur politischen Bedeutung des deutschen Naturrechts im 18. und 19. Jahrhundert," in: Hans Erich Bodeker and Ulrich Hermann, eds., *Aufklärung als Politisierung—Politisierung der Aufklärung* (Hamburg, 1987), 267-93. On press freedom, Klippel cites only materials dated after Bahrtdt's book.

¹⁷ Bahrtdt, *Rechte und Obliegenheiten der Regenten und Untertanen in Beziehung auf Staat und Religion* (Riga, 1792).

Empire, Johann Jakob Moser, did write a book in 1772 in defense of one aspect of freedom of the press entitled *On the Constitutional Freedom to Write about German Political Matters*.¹⁸ But Moser was relying on the imperial constitution at a time when it was becoming less and less relevant to politics in Germany.

German Publicity

If the lawyers were too compromised, the journalists and literati were speaking out more and more. Growing discussion of the rights of man was taking place in the journals and newspapers and moralizing literature of the day, known as *Publizistik/Publicität*, or publicity.¹⁹ Words like *Pressfreiheit* entered the vocabulary in the 1770s in translations from English.²⁰ Bahrdt's work built on and extended this tradition as well.

Some of these journal writers had also used the vocabulary of the rights of man. Bahrdt's contemporary Johann Wilhelm Archenholz was wrong to claim that 1787 was the foundation of the "epoch . . . in which certain ideas of the rights of man sprouted in the hearts of the Germans."²¹ Already in 1773, an article in Christoph Martin Wieland's *German Mercury* called freedom to think and to say what one thought "an inalienable right of man and the true Palladium of the general

¹⁸ Johann Jakob Moser, *Von der Reichsverfassungsmässigen Freyheit von Teutschen Stats-Sachen zu schreiben* (Göttingen, Gotha, 1772). See Mack Walker, *Johan Jakob Moser and the Holy Roman Empire of the German Nation* (Chapel Hill, 1981).

¹⁹ See Hans Erich Bödeker, "Menschenrechte im deutschen publizistischen Diskurs vor 1789," in: Günter Birtsch, ed., *Grund- und Freiheitsrechte von der ständischen zur spätbürgerlichen Gesellschaft* (Göttingen, 1987), 393–433.

²⁰ Franz Schneider, "Presse, Pressfreiheit, Zensur," in: Otto Brunner, Werner Conze, and Reinhart Koselleck, eds., *Geschichtliche Grundbegriffe* (Stuttgart, 1978), IV, 913.

²¹ Johann Wilhelm von Archenholz, "Etwas über bürgerliche Freyheit und Freystaaten," in: *Neue Litteratur und Völkerkunde* (1787), vol. 1, 256 ff., quoted in Bödeker, "Menschenrechte," 397–98. Also underestimating the spread of rights vocabulary before 1787 was John Christian Laursen, "Literatures of Publicity and the Right to Freedom of the Press in Late Eighteenth Century Germany," in: Dario Castiglione and Lesley Sharpe, eds., *Shifting the Boundaries. Transformation of the Languages of Public and Private in the Eighteenth Century* (Exeter, 1995), 123.

welfare.”²² In 1784 Wieland extended this to the press, demanding “freedom to make known through the press ... all truth that we are convinced is of common benefit;” the press was “the great Palladium of humanity” and the only thing “on which hopes of better times can be grounded.”²³ Swiss author Isaak Iselin had insisted upon the importance of press freedom in scattered places throughout his writings as early as the 1770s.²⁴ Christian Wilhelm Dohm wrote of press freedom “as the greatest privilege of humankind” in 1776.²⁵ August Ludwig Schlözer called freedom of the press a gift from God in 1773, and one of his widely read journals placed press freedom alongside the throne of holy justice in 1778.²⁶ Wilhelm Wekhrlin was another indefatigable publicist who wrote of freedom of thought, speech, and the press in several of his early 1780s publications.²⁷

1784 was a banner year for expressions of the importance of freedom of the press. The subtitle of Bahrdt’s book may have been in (conscious or unconscious) emulation of a piece by Ernst Ferdinand Klein, which was published in the *Berlin Monthly* in 1784.²⁸ Titled “On Freedom of Thought and of the Press: For Princes, Ministers, and Writers,” Klein’s essay ransacked Frederick II’s own writings for arguments in favor of such freedoms, holding the king up to the standard of his own ideals. That same year, a question posed by Prussian Upper Consistory member Johann Friedrich Zöllner in a journal article and by Johann Karl Wilhelm Möhsen in a paper read to Berlin’s Wednesday Society

²² Christoph Martin Wieland, “Vorbericht zum Anti-Cato,” in: *Teutscher Merkur*, (1773), vol. 3, 126 ff., quoted in Bödeker, “Menschenrechte,” 415.

²³ Wieland, “An einen Freund,” in: *Teutscher Merkur*, (1784), vol. 2, 258f., quoted in Bödeker, “Menschenrechte,” 416.

²⁴ Ulrich Im Hof, *Isaak Iselin und die Spätaufklärung* (Bern: Francke, 1967), 129ff.

²⁵ Christian Wilhelm Dohm, “Förderer und Störmer, oder die Reformatoren,” in: *Deutsches Museum*, (1776), vol. 1, 87, quoted in Bödeker, “Menschenrechte,” 417.

²⁶ August Ludwig Schlözer, *Vorstellung seiner Universalhistorie*, 2 vols. (Göttingen: 1772–73), II, 402; Schlözer, *Briefwechsel meist historischen und politischen Inhalts*, (1778), part 3, 16, note, quoted in Bödeker, “Menschenrechte,” 418.

²⁷ Wilhelm Wekhrlin, ed., *Chronologen*, 6 (1780), 233ff.; Wekhrlin, ed., *Das Graue Ungeheuer*, 2 (1784), 123 f., 190 ff., quoted in Bödeker, “Menschenrechte,” 401, 417, and 422 respectively.

²⁸ Ernst Ferdinand Klein, “Ueber Denk- und Druckfreiheit: An Fürsten, Minister, und Schriftsteller,” in: *Berlinische Monatsschrift*, 3 (1784), 312–30 (English translation in Schmidt, ed., *What Is Enlightenment?*, 87–96).

provoked a debate on the question “What is Enlightenment?”²⁹ Renowned philosopher Moses Mendelssohn gave an answer in terms of philosophy of education, but Immanuel Kant turned it into a defense of freedom of the press. Enlightenment will come about from the “public use of reason,” he wrote, using terms that would inspire John Rawls and Onora O’Neill in the late twentieth century.³⁰ Every citizen may play the role of a scholar and address the “public in a proper sense through his writings” (60, 61). In later writings, Kant reiterated the importance of freedom of the press and the spread of public knowledge, elevating “publicity” to the philosophical status of the “formal attribute” of public right, a “transcendental principle.”³¹

In the years just before Bahrdt’s book came out, freedom of the press continued to be widely discussed. The article on “Freedom” in the *German Encyclopedia* of 1785 included freedom to speak and to write in its definition of the term.³² That same year, an article in the *Journal of and for Germany* was titled “On Freedom of Thought, Speech, and the Press.”³³ Schlözer’s *Letters to Eichstätt* of 1785 vindicated publicity, and especially his own journals.³⁴ For Wieland in 1785, freedom of the press was a “concern and interest of the whole human race,” and was “only a right of the writer” because it was a right of humankind.³⁵ The same year, Schlözer’s *Government News* called “press freedom” and “publicity” the “great watchwords of our age.”³⁶

²⁹ See James Schmidt, “Introduction,” in: Schmidt, ed., *What Is Enlightenment?*, 2–3.

³⁰ See John Rawls, “The Public Use of Reason,” in: *Political Liberalism* (New York, 1992), Lecture VI; Onora O’Neill, “The Public Use of Reason,” in: *Constructions of Reason: Explorations of Kant’s Practical Philosophy* (Cambridge, 1989), ch. 2. Kant is cited from the translation in Schmidt, ed., *What Is Enlightenment?*, 59, 60.

³¹ See John Christian Laursen, “The Subversive Kant: The Politics of ‘Public’ and ‘Publicity,’” in: *The Politics of Skepticism in the Ancients, Montaigne, Hume, and Kant* (Leiden, 1992), ch. 9.

³² Article “Freyheit,” *Deutsche Encyclopädie*, 10 (1785), 509, quoted in Bödeker, “Menschenrechte,” 412; in a note Bödeker dates it wrongly to 1799.

³³ [Anonymous], “Ueber Denk-, Red- und Druckfreyheit,” in: *Journal von und für Deutschland*, (1785), vol. 2, 16 f., quoted in Bödeker, “Menschenrechte,” 416.

³⁴ Schlözer, *Briefe nach Eichstätt zur Verteidigung der Publicität* (Frankfurt, 1785).

³⁵ Wieland, “Ueber Rechte und Pflichten der Schriftsteller,” in: *Teutscher Merkur*, (1785), vol. 3, 194–95, quoted in Bödeker, “Menschenrechte,” 422.

³⁶ Schlözer, “Ueber das Verhältnis der Provinzial Dikasterien gegen die Ober Rechen Kammer im Preußischen State,” in: *Stats-Anzeigen*, 8 (1785), 78, quoted in Bödeker, “Menschenrechte,” 422.

International Currents

John Milton's *Areopagitica* of 1644 was the first major defense of freedom of the press in English and excerpts from it had been printed in Nicolai's *General German Book Review* in 1773.³⁷ The work was not cited by Bahrtdt, but we have already seen with reference to Kern that Bahrtdt did not feel obliged to cite everything he drew upon. Milton was known in Germany as a defender of regicides, which Bahrtdt might have felt would draw unnecessary negative attention from the authorities.³⁸ Another key figure in the history of freedom of thought was Benedict de Spinoza, whose *Theologico-Political Treatise* of 1670 argued for the right of every person to think what he wanted and express what he thought. However, any mention of Spinoza would have drawn negative attention. Spinoza was known in many circles as a materialist and atheist, and became the subject of a major literary scandal in Germany in 1782, when Friedrich Heinrich Jacobi accused the playwright Gotthold Ephraim Lessing of being a Spinozist and followed up with a book critical of Spinoza in 1785.³⁹

Bahrtdt did not refer to Spinoza by name, but there are grounds for interpreting Bahrtdt as a Spinozist, notably in his definition of power. In a letter Spinoza wrote that he was more consistent than Thomas Hobbes in equating power with right.⁴⁰ As he put it in the *Theologico-Political Treatise*, "the natural right of every man is determined not by sound reason, but by his desire and his power."⁴¹ Bahrtdt may be

³⁷ *Allgemeine Deutsche Bibliothek*, 19 (1773), vol. 1, 335–37. The excerpt, containing Milton's assault on censorship, was part of a longer discussion around a sensationally harsh review of a devotional work in the *Frankfurter Gelehrten Anzeigen* of 1772, for which the publisher was fined.

³⁸ See Hans-Dieter Kreuder, *Milton in Deutschland* (Berlin, 1971).

³⁹ See, e.g., David Bell, *Spinoza in Germany from 1670 to the Age of Goethe* (London, 1984); Wiep van Bunge and Wim Klever, eds., *Disguised and Overt Spinozism around 1700* (Leiden, 1996); Paul S. Spalding, *Seize the Book, Jail the Author: Johann Lorenz Schmidt and Censorship in Eighteenth-Century Germany* (West Lafayette, 1998); Rüdiger Otto, *Studien zur Spinozarezeption in Deutschland im 18. Jahrhundert* (Frankfurt, 1994); Jonathan Israel, *Radical Enlightenment and the Making of Modernity 1650–1750* (Oxford, 2001).

⁴⁰ Benedict de Spinoza, *On the Improvement of the Understanding, Ethics, and Correspondence*, tr. Robert Elwes (New York, 1977), 369.

⁴¹ Spinoza, *Theologico-Political Treatise*, tr. Samuel Shirley (Indianapolis, 1998), 180.

following up on Spinoza when he claims that the way to recognize a right is to find the power that justifies it.⁴² This point raises one of the most difficult problems in understanding Bahrtdt's reasoning. Why doesn't Bahrtdt see the obvious objection that if the power to speak gives people the right to speak, the power to censor might give the prince the right to censor? Perhaps he assumes some argument to the effect that the power to speak is natural (we are born with it), whereas the power to censor depends on the prince's artificial government apparatus (and is thus not God-given), but he does not spell it out.

Other touches of Spinozism can be found in Bahrtdt's writings. In his *Story and Diary of My Imprisonment*, Bahrtdt explains how to live with Spinozistic materialism and determinism: "... determinism is irrefutable, but I want to tell you how I deal with it and feel happy. In theory I firmly believe in it and so become very tolerant toward people's mistakes, but I myself act as if I am a fully free creature whose reason commands my acts and fate."⁴³ In his press book Bahrtdt also defends freedom of the press on the grounds that the standing armies of Frederick William II or Joseph II can protect them from any untoward results of exercising this freedom (10, 45). Spinoza had made the same point.⁴⁴ Kant made this point as well in "What is Enlightenment?," so Bahrtdt could have drawn it from either source, but even if he drew it from Kant, that does not mean it was not Spinozan: conversely, this is one of the points at which Kant, too, may be seen as a Spinozist.

Higher-brow, more philosophical defenses of freedom of the press were not limited to Milton's, Spinoza's, and Kant's. There are parallels to Bahrtdt's arguments in Johann Gottfried Herder's *Reflections on the Philosophy of the History of Humankind* of 1784–1791: the notion of humans as communicative beings, the value of truth achieved by think-

⁴² For the Dutch reception of Bahrtdt as a radical, see Joris van Eijnatten, *Liberty and Concord in the United Provinces: Religious Toleration and the Public in the Eighteenth-Century Netherlands* (Leiden, 2003).

⁴³ Bahrtdt, *The Edict of Religion and The Story and Diary of My Imprisonment*, ed. Laursen and Van der Zande, 114.

⁴⁴ See John Christian Laursen, "Spinoza on Toleration: Arming the State and Reining In the Magistrate," in: Cary Nederman and John C. Laursen, eds., *Difference and Dissent: Theories of Toleration in Medieval and Early Modern Europe* (Lanham, MD, 1996).

ing for one's self, of scientific works as the result of many generations of accumulated work, of criticism as beneficial for one's mental health. But Herder, a theologian like Bahrtdt, firmly rejected the conspiracy theories about priests and secret knowledge that characterize Bahrtdt's unhistorical attacks on priestcraft. "If one usually considers medicine men, magicians, shamans, and priests as the instigators of the people's delusions and believes to have explained everything if one calls them swindlers," Herder wrote, "one should not forget that they themselves belong to the people and so also are deceived."⁴⁵ And when Bahrtdt rather unsubtly replaced the orthodox Lutheran notions of heaven and hell with the prospects of benefit and harm as motivations for moral conduct (pp. 37, 97-98), he could have encountered much more sophisticated accounts of the conduct of the "deluded" lower classes in the writings of his contemporary, the philosopher Christian Garve.⁴⁶

Finally, not all international traditions of philosophy have been high-brow. Bahrtdt's outspokenness (*parrhesia*) and disrespect for authority in many works and especially in his play, *The Edict of Religion*, qualify him for inclusion in yet another international tradition, the Cynic tradition. Bahrtdt was the Prussian Diogenes of his day: where the original Diogenes told Alexander the Great to get out of his sunlight, Bahrtdt told everyone around him to go to hell.⁴⁷

Vienna and Potsdam

The idea for Bahrtdt's book on press freedom was suggested to him by Georg Philipp Wucherer to defend his precarious situation as a bookseller. Wucherer was a Protestant who was allowed to sell books in

⁴⁵ Johann Gottfried Herder, *Ideen zur Philosophie der Geschichte der Menschheit*, ed. Martin Bollacher (Frankfurt am Main, 1989), 302.

⁴⁶ Heinz D. Kittsteiner, *Die Entstehung des modernen Gewissens* (Frankfurt am Main, 1995), 312-15.

⁴⁷ Thus, it is regrettable that he is not mentioned in Heinrich Niehues-Pröbsting, "The Modern Reception of Cynicism: Diogenes in the Enlightenment," in: R. B. Branham and M.-O. Goulet-Cazé, eds., *The Cynics: The Cynic Movement in Antiquity and its Legacy* (Berkeley, 1996), 329-65, and H. Niehues-Pröbsting, *Der Kynismus des Diogenes und der Begriff des Zynismus* (2nd ed., Frankfurt am Main, 1988). See also Michel Foucault, *Fearless Speech* (Los Angeles, 2001).

Catholic Vienna, but not to advertise them.⁴⁸ In 1786 he contacted Bahrđt, looking for business: “If you happen to have manuscripts of which you don’t want it to be known that you are the author, my presses are at your order in whichever way you want.”⁴⁹ Within a few months he mentioned that he had given *On Freedom of the Press* to the censor for approval before printing it.⁵⁰ Wucherer was also a member of Bahrđt’s secret society, the German Union, and was exiled from Austria in 1789.⁵¹

It is likely that the Viennese censors let Bahrđt’s press book through in part because of the sympathy of most high officials in Vienna with “enlightened” causes, in part because of his flattery of Joseph II, and in part because they knew it would stir up more trouble in Prussia than in Austria. A general source of press freedom in early modern Europe was that one country might allow publication of things that would subvert the other, as long as they thought it would be relatively harmless in their own country.⁵²

Unsurprisingly, Bahrđt’s press book was well received in the more radical journals.⁵³ But the review in the prestigious *General German Book Review* in 1787 assured wide dissemination of Bahrđt’s views. It was a substantial synopsis of the book in seventeen pages. The author of the review, Berlin pastor Lüdke, wrote that “The author has expressed what his predecessors have said in concise short phrases and has gone a few steps beyond them, so that it would be very difficult to not be convinced by this book of the usefulness of free thinking and writing.”⁵⁴

Bahrđt was obviously very pleased when his book was cited by a court. In his autobiography, he wrote that “The Royal High Court in

⁴⁸ Michael Winter, “Georg Philipp Wucherer (1734–1805), Großhändler und Verleger,” in: *Archiv für Geschichte des Buchwesens*, 37 (1992), 1–98, here 55–66.

⁴⁹ Degenhart Pott, ed., *Briefe angesehener Gelehrter, Staatsmänner und Anderer an der berühmten Märtyrer D. Karl Bahrđt*, 5 vols. (Leipzig, 1798), III, 198; letter of August 8, 1786.

⁵⁰ Pott, ed., *Briefe*, III, 202; November 9, 1786.

⁵¹ For more on Wucherer, see Leslie Bodi, *Tauwetter in Wien* (Frankfurt, 1977), 257–63.

⁵² See, e.g., Schneider, “Presse, Pressefreiheit, Zensur,” 919.

⁵³ See, for instance, Wekhrin, ed., *Hyperboreische Briefe*, 3 (1788), 64–65.

⁵⁴ *Allgemeine Deutsche Bibliothek*, 75 (1787), part I, 288–304, here at 288.

Berlin has acknowledged this work as the most correct standard for judgment of freedom of the press and applauded it loudly in the well-known verdict⁵⁵ [in the trial between Dr. Starck and Erich Biester, editor of the *Berlin Monthly*].⁵⁵ He repeated this point in his play, *The Edict of Religion*.⁵⁶ Joachim Heinrich Campe relied on Bahrtdt's "classic" book in his defense when he was attacked for his published enthusiasm for the French Revolution in 1790.⁵⁷

It will be observed that Bahrtdt writes as if Frederick II, Joseph II, and Frederick William II are enlightened rulers, on his side in these matters. In fact, we know that Frederick could be vicious in his treatment of writers who had insulted him, that Joseph had begun to crack down on press freedom in the 1780s, and that Frederick William had never liked what he called "press insolence" (*Pressfrechheit*). Was Bahrtdt's flattery naive, anachronistic, irony, or all of these?

The naivete and anachronism may be explained by Bahrtdt's incomplete information. Enlighteners trumpeted every act of enlightenment of these rulers, as a way of spurring them on. Bahrtdt could have believed that these rulers were more benign than later scholarship justifies. After all, to many writers, Frederick II's reign had long been mythologized into a Golden Age. Bahrtdt's sometime enemy Degenhart Pott, for example, praised Frederick's contributions to press freedom in his *Commentary on the Royal Prussian Edict of Religion of July 9, 1788*, reminding the reader that "Nowhere was freedom to think, write, and teach more the rule (not even excepting Britain) than in Frederick's Prussia."⁵⁸ And Kant famously flattered his king by calling the age of Enlightenment Frederick's century.⁵⁹ Even if the author had more complete information and knew about the nastier side of these rulers, such flattery could serve several purposes: holding the prince to a high standard and appealing to the ideals of high officials. Or it could have been irony. Bahrtdt had long been writing in this vein, including

⁵⁵ Bahrtdt, *Geschichte seines Lebens*, IV, 247–48.

⁵⁶ Bahrtdt, *The Edict of Religion and The Story and Diary of My Imprisonment*, ed. Laursen and Van der Zande, 54–55.

⁵⁷ Wilke, "Die Entdeckung," 137, note 93.

⁵⁸ [Degenhart Pott], *Commentar über das Königl. Preuss[ische] Religionsedikt vom 9. Julius 1788* (Amsterdam [Halle], 1788), 5–6. In 1789 Pott was convicted of writing this anonymously-published book and sentenced to a year in prison in Leipzig.

⁵⁹ Kant, "What Is Enlightenment?," in: Schmidt, ed., *What Is Enlightenment?*, 62.

his *Almanac of Heretics* of 1781 in regard to which a contemporary historian of comic literature already speaks of him as a satirist.⁶⁰

One of the most curious things about Bahrtdt's press book is that it is eerily prescient. Bahrtdt asserts that it would be a scandal to claim to give people freedom of thought while denying its expression, comparing the idea to giving people freedom to be cold in the winter (49). Yet this is exactly what the authorities in Prussia did less than a year later. Education Minister Woellner's Edict of Religion of July 9, 1788 purported to grant freedom of thought even as it denied freedom of expression for any but the three authorized religions.⁶¹ In December of that year, a new Censorship Edict was also announced, which narrowed considerably the bounds of freedom of the press in Prussia.

*Bahrtdt's Place in the History of Ideas
about Freedom of the Press*

In order to assess Bahrtdt's place in the history of ideas about freedom of the press, we must winnow through the chief errors in German and English-language scholarship. We have already drawn attention in the notes to one error in the German literature: failing to notice Bahrtdt's press book and thus his priority in time over much of the material cited in that literature. Too many histories of liberal ideas in Germany cite one or two of the older books on the eighteenth century and mention a few figures such as Schlözer, Peter Villaume, and August Hennings, but fail to acknowledge Bahrtdt's existence, let alone his role as publicist of ideas about freedom of the press.⁶²

Another fault of some of the German scholarship can be traced to the ideology that East Germans and their western sympathizers were expected to hold, which required them to celebrate him as a radical, a

⁶⁰ Bahrtdt, *Kirchen und Ketzer-almanach aufs Jahr 1781* (Häresiopel [Züllichau], 1781). Carl Friedrich Flögel, *Geschichte der komischen Literatur*, 3 vols. (Liegnitz and Leipzig, 1786), III, 547.

⁶¹ More generally, see Edoardo Tortarolo, "Censorship and the Conception of the Public in Late Eighteenth-Century Germany," in: Castiglione and Sharpe, eds., *Shifting the Boundaries*, 131–50; Bodo Plachta, *Damnatur Toleratur Admittitur: Studien und Dokumente zur literarischen Zensur im 18. Jahrhundert* (Tübingen: Niemeyer, 1994).

⁶² See, e.g., Dieter Langewiesche, *Liberalism in Germany* (Princeton, 2000), 2–4.

Jacobin, and indeed sometimes a socialist. But we have seen above that Bahrtdt backs away from the most radical implications of his ideas. He assumes that he will be working with censors, not abolishing them. The concessions at the end also point to an ultimately more conservative outlook.

The English-language scholarship has similar faults. Many books, such as Frederick Beiser's two books on late eighteenth century German political philosophy, simply ignore Bahrtdt.⁶³ This may be justified if the point is to continue to rehash a "canon" of works that may be understood as high-level philosophy. But it is not justified if it is going to result in claims that the Germans were somehow unpolitical or lacked the intellectual resources for modern liberalism. Similarly, Horst Dippel repeats the claim of an older literature that assertions of human rights "remained sporadic and limited to a few observers" and that "the term itself, *human rights* or the *rights of man*, is encountered only rarely before the French revolution"⁶⁴ A lot may turn here on what is meant by "sporadic," "a few," and "rare," but we have seen above that many a writer prepared the way for Bahrtdt's assertion of the right to freedom of the press as a right of humanity.

⁶³ Frederick Beiser, *The Fate of Reason* (Cambridge, MA, 1987) and *Enlightenment, Revolution, and Romanticism* (Cambridge, MA, 1992).

⁶⁴ Horst Dippel, *Germany and the American Revolution* (Chapel Hill, 1977), 165.

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CARL FRIEDRICH BAHRDT

ON FREEDOM OF THE PRESS
AND ITS LIMITS:
FOR CONSIDERATION BY RULERS,
CENSORS, AND WRITERS

Züllichau,
N.S. Frommann's Heirs
1787

Translated from the German by
John Christian Laursen
and Johan van der Zande

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PREFACE

I write for thinking and examining readers—alas, unfortunately, a very small public. Nonetheless, if only Joseph and Frederick William¹ read me, and find here a little mite of wisdom,—because for a rich man that already has a lot of wisdom, a mite is already a large contribution to his treasure—my efforts will be richly repaid. May it also come into the hands of the wisdom-lacking author of *Exposé of the System of the Cosmopolitan Republic*,² who has such an impoverished idea of religion and such a childish fear of people who want to overthrow religion that one must take him for a novelist or a person of weak faith, who has not felt a single ray from the eternal and unshakeable truth!

¹ Joseph II (1741–1790), co-regent and then Holy Roman emperor, 1765–1790; Frederick William II (1744–1797), King of Prussia, 1786–1797.

² Ernst August Anton von Göchhausen, *Enthüllung des Systems der Weltbürgerrepublik* (Rome [Leipzig], 1786). See Klaus Epstein, *Genesis of German Conservatism* (Princeton, 1966), 96 ff.

CONTENTS³

I.	Freedom to think—the most precious gem of humanity	[111]
II.	What is Enlightenment?	[113]
III.	It is the essential foundation of human happiness	[115]
IV.	The infamy and danger of superstition	[122]
V.	Freedom to think, a general right of humankind	[124]
VI.	Freedom to speak and to write, not less	[126]
VII.	Does this freedom have limits? And which can and should the lawgiver establish?	[134]
VIII.	The writer's freedom in regard to religion	[138]
IX.	On church religion	[140]
X.	On revealed religion	[143]
XI.	On moral religion	[144]
XII.	Answer to various objections	[148]
XIII.	Continuation	[152]
XIV.	Continuation	[153]
XV.	Conclusion	[156]
XVI.	Rules of toleration	[161]
XVII.	Writers' rights with respect to rulers	[163]
XVIII.	Writers' rights with respect to fellow citizens	[166]

³ We have added page numbers from this edition in brackets.

[1] I.

[FREEDOM TO THINK—THE MOST
PRECIOUS GEM OF HUMANITY]⁴

Freedom is the most precious gem of all thinking and feeling beings. To possess it is happiness. To lack it is misery. Only it makes all enjoyments pleasurable. Without it all joys and goods are made bitter. Give a bird the best food in a cage, and he will wish to be out of it, and feel happier if he is free, even if cold and in need. Give a young man a Medici Venus,⁵ in her arms give him all the pleasures of Sardanapalus,⁶ in her lap give him all the riches of Croesus,⁷ in her rank all the power and grandeur of the world, against his will, and he will curse his destiny and wish himself in the arms of his maiden, no matter how unattractive and poor, as long as his heart freely chose her.

[2] Freedom is the nobility of humankind. It educates the spirit. It makes all its powers lively. It instills all of its activities into it. It gives it courage. It lifts it above troubles, obstacles, and dangers. Slavery and force suppress the spirit, make its powers weak, and take away the desire and the courage to do things.

You people! If you can feel it—and under the rule of Frederick William you can feel it—then tell me what name is horrible enough to describe a person who is eager to spoil this good?

But, if freedom is the noblest good of the noblest creature, it is worth reflecting on which of the different kinds of freedom is the most important and most excellent: and which, if you had to lose all but one, you would have reason to maintain and defend even to death.

Think it over carefully!

⁴ Sections numbered only; we have supplied, in brackets, section titles from Bahrtdt's table of contents. In the text we have added page numbers from the original in brackets.

⁵ An ancient Roman statue of Venus, first recorded in 1638 in the Villa Medici in Rome, since 1677 in the Uffizi Gallery in Florence. In the eighteenth century it was revered as a model of female beauty.

⁶ According to legend the most effeminate and corrupt king of Assyria (ninth century B.C.E).

⁷ Last king of Lydia (sixth century B.C.E), whose wealth was proverbial.

[3] Freedom of residence? One forces me to live in this or in another land, in the city or outside the city, among Christians or among Turks,⁸ poor or splendidly: force can diminish my happiness but not destroy it.

Freedom of trade? Force the merchant to buy this or that ware, to send it here or there, to charge this or that price—by using force you can diminish his happiness but you cannot make him unhappy.

I pass over a hundred similar questions, for your reason will always find the same answers. But one question reaches to your heart: see if you can give it the same answer.

Freedom to think and to judge? How can you, will you give this up? Do you want this to be robbed from you? I am amazed. I hear divided voices.

[4] I hear some among you say, “yes.” You madmen!

Listen. I will try to make you pay attention to a good whose invaluable worth you still do not recognize, and that therefore you still appreciate too little. I want to persuade you that freedom to think and to judge, the use of your own reason, is your most precious gem and the most important foundation of your happiness.

And to save us from prolixity, I will demonstrate this mainly for those areas where until now this general human right has been mostly disregarded. I mean the right to think for yourself and, independently from other people’s considerations, to believe only what you have observed with your own senses and you have understood with your own reason.

[5] My reasons can be summarized in these two sentences: 1. Freedom to think and to judge is the single true source of all human enlightenment, and without it no education of our mind is possible. 2. Enlightenment is the essential basis of all human happiness: true happiness is impossible without enlightenment; and as one’s enlightenment increases, so increases the ability to become a happy person.

I will now explain these two sentences. I hope my readers will be attentive and careful.

Above all else let the question be thrown open: what is enlightenment? Because this now so common expression is understood by few.

⁸ In eighteenth-century Europe “Turks” was a generic term for Muslims.

II.

[WHAT IS ENLIGHTENMENT?]

What is enlightenment? an enlightened human being? enlightened times?

[6] Enlightenment can be found as little in the greatness of the powers of understanding as in the amount of knowledge accumulated. For I have seen geniuses, theologians, lawyers, scientists, and historians with enormous masses of knowledge—right among the fools and fanatics. And if it is the foundation of happiness, enlightenment must be the goal of *all* people—as indeed the founder of Christianity considered it.

If someone had learned a system of knowledge by heart (for example, law), would he then be called an enlightened jurist? And why not? Whoever answers this question will find that it is intrinsic to enlightenment to possess knowledge of one's own, not blindly parroted words. Thus enlightenment includes the following:

A. That one learns to think for oneself.⁹ That one:

[7] a. has distinct concepts of objects which one has oneself located, abstracted, compared, developed, and examined in the material world.

b. That one knows the sources and criteria of truth and has used them oneself. That one has judged oneself that “this is true, this false,” “this is good, this bad,” and has derived these judgments from one's own principles or experiences. That one has thought through and examined (and in important matters long, often, and stubbornly examined) the grounds for their truth.

c. That one thus sees everywhere with one's own eyes, not letting oneself be led astray by appearances, not believing or judging something in order to please the heart, the appetites, inclinations, or disinclinations. [8] That one does not blindly follow any authority, but that rather, before believing, one investigates with one's own plain human understanding, and thus sees truth only in the light of God, in the light of reason. In short, that one strives toward the most perfect possible knowledge and toward the highest possible level of certainty.

⁹ Cf. Immanuel Kant, “An Answer to the Question, ‘What is Enlightenment?’” AA VIII:35; in: Schmidt, ed., *What is Enlightenment?*, 58–74, here at 58.

B. Since no one in this world can be enlightened in all sciences, it is of the essence of enlightenment (insofar as it is to become a universal good) to determine its object: it is truth which grounds universal human happiness. This truth can be divided into two different classes, the first of which is wholly decisive for the happiness of humankind, such as the truths of religion and morality, and the second of which merely has an influence on the increase or decrease of this happiness. In such truths, [9] especially of the first class, each man must use his own reason and see with his own eyes, if he does not want to risk his happiness lightly. If, for example, someone tells me that the earth spins around the sun, I can believe his authority because it does not threaten human happiness if this is wrong. But when someone tells me, “your honor requires that you duel” or “God is enraged and you must through such and such means try to make it up” or “you must kill your son in order to honor God,” and so forth, then I must set aside appearances, obscure feelings, authority, and above all listen to my reason, and believe nothing except that to which reason irresistibly leads me.

[10] Whoever seeks the truth in this way with an honest heart, independent of all other sources of knowledge, is a freethinker in the most noble sense. His reason is unfettered. However little he may know, as long as what he knows has become his own property by thinking for himself, he is an enlightened person.

And where reason can work unfettered, where everyone is able to think and judge freely for himself about what others assert and may share his judgment with others, where believing and professing of belief in any doctrine is never coerced (that is, determined by command or by social reward or penalty): there are enlightened times. Where there is any coercion, the barbarism thrives by which in olden times princes and priests supported their rule, but no noble-thinking ruler requires it today. Nor does he need it today, provided that there are standing armies.¹⁰

[11] And now let us investigate if this enlightenment, which consists in the free influence of reason, and which can be achieved by anyone, is indeed the most important foundation of our happiness.

¹⁰ Kant, “What is Enlightenment,” 63.

III.

[IS ENLIGHTENMENT THE ESSENTIAL
FOUNDATION OF HUMAN HAPPINESS?]

Would anyone really ask whether the unchaining of human reason from blind adherence or from dictated belief, and thus thinking freely and for oneself, is good for him?

A strange phenomenon. All people strive after freedom. Indeed, everybody wants to keep the use of his physical, economic, and civil powers free from any infringements:—and in regard to the noblest power that makes him an image of God, I say, in regard to his reason, shall he patiently tolerate servitude, and let it be dictated [12] what he shall consider true, what he shall love, what fear, and what hope? In worldly affairs everybody is cautious and wants to see and examine everything with his own eyes; and where the education of his spirit, where the salvation of his soul is concerned, there he will allow for his eyes to be covered? Whenever worldly gain or loss is at stake he thinks for himself, and in religion he lets others think, judge, and test for him; what baseness! what madness!

But also what ingratitude! to leave unused the Creator's noblest, most glorious gift, the power of reason, precisely in the most important things!

And to follow blindly? whom? who were the inventors of so many senseless and unproven doctrines about God and the destiny of humankind that people so willingly believe? He who knows this will first fully feel the disgrace which oppresses humanity.

[13] It takes an astounding blindness to regard enlightenment of humankind, that is, accustoming them to thinking and judging for themselves, especially in moral subjects, as dispensable window dressing and to fail to recognize that it is the primary source of all happiness. Our own thought, independent from authority, indisputably creates for us the following benefits.

1. It cultivates above all the human spirit. The superior powers of the soul (that in the opposite case remain wholly inactive) are put to use and thereby strengthened and perfected.—People become wise.

2. It renders all other human knowledge useful in the first place. Because whoever simply parrots moral truths masters them only through

memorizing and fantasy. If they are not the products of his understanding, he cannot compare them and bring them into connection with [14] his other knowledge, experiences and so forth. And what can I profit from all knowledge—for example of nature, of history, of my own experience—if I cannot use it to bestow light, life, and solidity on my moral knowledge? Thus one will find that people of blind faith are usually inconsistent; often their clearest concepts and most settled judgments about nature and the world exactly contradict their religion, and yet they do not feel that contradiction.

3. Thus the knowledge of moral truths, insofar as it is the effect of one's own reflection, becomes itself clearer as all other knowledge sheds light on it. One discovers daily and hourly new clues, evidence, examples of the recognized truth. Reading, socializing with people, events, history—all this supplies material to illustrate moral truths, [15] to make their concepts clearer, and to underpin their findings.

4. Thus, naturally, a constant growth and widening of moral truths is also produced. Their field becomes larger daily, their vision more perfect.—And what a joy it is to see one's riches increase daily! What advantages come then first from the truth, that blind believers never have or can have?—Blind faith means stagnation and coldness.

5. And thus calm conviction can grow. How calmly the traveler wanders by daylight, if he sees with his eyes what is before him, and what lies in the distance. Could he who lets others tell him what he should hold for good and true really rest secure with his beliefs? He who closes his eyes as it were and follows a leader on the way to knowledge and happiness—a leader who himself [16] can be mistaken and who—perhaps—is one of the thousands who trick the world, in order to fatten themselves from deluded humankind? For example, like Jesus said, isn't he who sees the (loving) Father (in nature, with his eyes) more calm in his faith than he who believes in the decisions of a bishop or a church meeting?

6. The truth of what is most important, recognized by oneself, is securely and lastingly effective—as an incentive to the good and to ease of mind. Blind faith, too, is sometimes effective, but it has no security in its object nor of duration. a. I am not sure whether the virtue it drives me to practice is a virtue. For example, what if someone takes it on authority that God is exalted by destroying the enemies of the church and, consequently, thinks the persecution of heretics is virtu-

ous? b. Neither does the effectiveness of blind [17] faith have a dependable duration. Because authority can be supplanted by authority, as for example happened to the peasants when belief in Thomas Münster supplanted their belief in other priests.¹¹

On the other hand, the truth that my reason found by itself has strong, secure, and lasting effectiveness: it gives me both sufficient motivation to unmistakable true virtue and adequate comfort in my tribulations and afflictions. Because it has indispensable qualities which the knowledge of the blind believer entirely lacks. It has a) distinct concepts, in contrast to blind faith's formulas only learned by heart and which often make no sense. And what a difference! How very differently a distinct idea affects my resolutions and feelings. Aim a loaded gun at a child—it is not startled, it does not flee. Why? [18] Aim it at a man, who distinctly conceives the danger and sees with his eyes what unhappiness it could bring about. What will happen?—Tell the day-laborer that the most perfect being is a *triangulum aequilaterum* and *aequiangulum* [equilateral and equiangular triangle]; assume that this sentence contains whatever powerful motive to virtue: will the day-laborer, if he accepts and believes it, feel the motivation? And why not? Because he does not think anything by that sentence. And neither can I bring up feeling or resolution about that which I do not understand.

It has b) solid conviction, which no one can resist; which no one can oppose with thoughtless excuses; which nothing in the world can shake or make anxious; for it emerged out of grounds thought out for oneself, is repeatedly tested, and considered irrefutable, and it grows daily more secure (according to no. 3). Blind faith depends on the reliability of the leaders. [19] It emerged not out of irresistible feeling, but was the free choice of authorities guided by obscure ideas. And it is not secure from being shaken because it can throw no more light on unexpectedly perceived objections than it can on its truth.—Oh, how much more passionately must he obey the truth, whose own insight has made it irresistibly certain to him. How different must be the effect of a consolatory argument whose truth I have seen myself, than what I have accepted from others in good faith.

¹¹ Thomas Müntzer (1490-1525) led a peasant revolt in Mühlhausen in 1525.

I cannot ignore here, however, an objection which nowadays already has disturbed many. It goes like this: "What one says about enlightenment is true in principle; and nevertheless it will not be confirmed through experience. Clear notions and one's own conviction must work a thousand times better for true virtue and peace of mind than blind faith: that [20] is obvious. But why does that not occur in the real world: why are enlightened people not incomparably more virtuous and markedly happier and more confident in danger and persecution than the adherents to blind faith?" I answer: if truth is to work as a motive to good and comfort in affliction, besides a) and b) you must also have c) liveliness and confidence. And these are lacking naturally in most of our enlightened contemporaries because they have all first achieved their enlightenment as adults. Their better concepts and convictions are newly reasoned truths. These are new arrivals in the mind that are still not at home and interweaved enough with the rest of the stock of ideas. Everything is isolated in the soul. And because of the weakness of the association of ideas, they are not often and easily brought to consciousness. [21] In addition to this, it happens that most people can pursue their own thinking in religion only as a subsidiary matter, because their personal affairs do not leave them enough time for a constant and intimate relationship with the truth. And finally, it is psychologically certain that freshly planted ideas cannot have the same motivating force in older people that ideas have when they are implanted in childhood and grow along with the soul.—One must therefore clear up the often misinterpreted phenomenon that people still anxiously give up their enlightenment on their deathbeds and take shelter again in the old faith in authority.—It is also understandable how inevitably the first generation in which enlightenment begins, taken as a whole, must behave worse, because the old urge to the good that the old belief gave has been thrown away, and the new still [22] does not have sufficient power.—Let enlightenment be introduced in the instruction of children and of the common people, and then it will show in the second and more fully in the third generation, that reasonable knowledge itself furnishes a thousand times more warmth for virtue and peace of the heart than blindly accepted faith.—Now we have the rule: do not content yourself with your enlightenment, but try through daily interaction to become familiar with the truths recognized by yourself: then you will experience for yourself that truth recognized by yourself and

independent from authority a. has a stronger effect, because the ground of its effect lies in yourself, in the liveliness of your ideas and in the irresistibility of your convictions; b. is more secure: because you are certain that you have not been driven to false virtues and comforted by chimeras—because then no counterweight is possible (such as with authority) that can [23] shake your conviction; c. more lasting: because the truth lives in yourself and is always present as the confidante of your heart.

7. Truth recognized by oneself creates love and warmth for the truth. Just think of children and common people. Learning makes them sick. Truth is the coldest and most indifferent thing to them. Each new addition to their knowledge is for them a new burden, that they would rather see reduced. And indeed they do not know the wish to share the truth they have learned.—In contrast, whoever sought the truth for himself, investigated it with his own thinking, worked through darkness and doubts for himself, and finally found it—he loves it like a mother who has borne her child in pain. He rejoices in each new increment. It gives him pleasure to be able to relate all that he has, sees, experiences, reads, or learns through interaction with other people to his accumulated moral knowledge, and to discover [24] corrections, new clues and proofs, and new applications of his truth. Like the miser, he sits among his treasures, only with the difference that his love for truth fills him with the warm desire to share it and to make others happy with it, because he found it so conducive to his own happiness: for it is the only form of wealth that is not diminished through communication.

8. It has its own power to promote virtue, because it is grounded in pure experience. What makes most Christians so slack? Because they have no motive other than the cited command.—In contrast, whoever knows virtue and vice from experience, whoever daily perceives the hints of God in nature favoring virtue and opposing vice, whoever sees the numerous results of both—there is a moral power in the knowledge of whoever has such motives, a power that outweighs everything [25] and that unfortunately our public teachers still use too little.

9. It is the only true source of tolerance and of patient love of humanity. The enlightened person who judges for himself leaves naturally to each the right of which he is so proud, and because of which he feels so happy: the right to think and to judge for oneself and to

follow one's own ideas (even if they are wrong, that is, different from the ideas of other people). In contrast, blind faith claims from each the respect for his authority that he gives it himself. As soon as he gets civil authority into his hands he ignites piles of wood for those who believe differently. He is at least incapable of cordial and impartial love for those who, in his opinion, are wrong.—And whoever knows from history what intolerance has done in the world, here alone has sufficient grounds to view enlightenment as the [26] most important asset of humanity. Oh, you kings, you priests, you educators!

10. It alone protects the world from the monster of superstition and its terrible and destructive results for humanity.

Now what do you say about these ten points, you who count your freedom to think and to judge for so little and until now have been so willing to let it be stolen from you?

And I have so far only said one half about the influence of enlightenment on human happiness. Think of its impact in social life. The enlightened person:

1. Sees generally more correctly and judges more impartially than he who lets others tell him his ideas and judgments, and follows them blindly. He knows what he knows out of his own experience and observation. Prejudice and eloquence have no influence on him. He judges the [27] worth and worthlessness of goods and joys, people's merits and their flaws, the destiny that awaits him and others, and usual and unusual events, very differently from whoever has renounced thinking for himself.

2. And will the healthier critic not also know how to behave better concerning these things? Could it fail that he who considers, examines, investigates, and trusts no single authority in important things, must show more caution, shrewdness, and firmness in household, social, and business life?

3. Thus the enlightened person will also have few passions (*caeteris paribus*), because passions are nothing other than a tumult of obscure ideas ruling a mind unaccustomed to reflection and deliberation.

4. He will therefore also make fewer mistakes. For all flawed actions [28] arise out of false or defective ideas, or out of prejudices.

5. Hence, how much more capable of friendship is the enlightened person. Friendship with one who has not developed his own reason, but

rather is dependent in his judgments on custom, authority, and the ideas of childhood and the like, will die a thousand times and is never secure for me.—I would much rather count as a friend a humble citizen who has freed himself through reading and reflection from the reign of bigotry, custom, and examples, and thinks for himself and sees with healthy eyes the little that he knows, than a great scholar or statesman who, with all his scholarly ballast, is not used to judge for himself in things concerning our happiness and, for example, shuns as a free-thinker anyone who sits down to the table without saying grace.

[29] 6. Finally, the enlightened person is undeniably a better servant and subject for the prince.—Consider only, for example, the single point that so many good arrangements of rulers have been hindered by the power of prejudice or the influence of the clergy, which would have made unhindered progress among people who judge unrestrained and neither pay attention to the prejudices of religion, of custom, and so forth, nor allow themselves to be blindly led by the decisions of priests.

You people! If your happiness is still close to your heart, hear the voice of the wise:

Do not despise authority; but—do not let it become the first and only basis to determine what you hold as true. Learn to think for yourself. Use your reason. Honor it as the general light that God affixes to humanity. Search, investigate, examine. Read the writings of wise men without care for their credit with parties. [30] Strive to learn through association with seekers after the truth. Above all things, study nature and history. Try to obtain clear concepts of whatever you see or learn, and believe nothing before you see into it and understand it. Ask anyone who tells you truths about the proofs, and examine these with stubborn rigor: compare them with your other ideas, experiences, and observations—in short, rest not until the truths that guide your actions and should be the pillars of your peace of mind, are your soul's property.

And you fathers and educators! Learn here to think of it as your most sacred duty to cultivate the reason of your pupils early and to lead them to independent judgment. Teach them nothing which they are not mature enough to understand and to see into the principles of. Urge upon their memories no truth [31] before it can be the property of their

understanding. Enrich them with the knowledge of nature and history and teach them to learn to love the truth, to follow it freely, and—thus to learn to become happy.

Woe to the prince who hinders this!—who does not support with all his power this enlightenment, which is only possible through free thinking and judging.

All friends of intolerance are destroyers of human happiness and nourish, perhaps unknowingly, the most fearful poison of humanity—superstition.

Think what a horrible monster that is!

IV.

[THE INFAMY AND DANGER OF SUPERSTITION]

Whoever believes something about which he can have no clear concept, and which is incapable of proof based on analogical conclusions [32] or derived from nature; whoever, I say, holds something for true purely because others certify that they know it, and moreover so earnestly holds it for true that he lets it determine his actions designed to advance his happiness, or lets himself be moved by it to love and hate, fear and hope, and so forth, is called a superstitious person.

This kind of thinking has long been the richest source of human misery, of the most horrible errors—of the most shameful and inhuman deeds—of barbarism and the total downfall of nations.

Whoever decides to believe only a single thing of this kind also holds it for possible that in many cases one can renounce one's reason without damage. And once someone has started to suppress his reason and to deviate from the rule, "do not believe [33] things which affect your happiness which you do not understand and for which you cannot see the ground for yourself with your own eyes," will then be ready to do that also in other cases—especially when the seducing authority has some weight for him. In the end an analogical feeling arises which bases itself on the obscure thought: "if this can happen, then so indeed that could happen;" and that person is in a condition to believe as a truth every piece of nonsense with which one deludes him. In one word, superstition opens the way to all errors and robs all security that

one has every reason to seek for in view of the rightness of one's moral knowledge.

Add to this what history teaches, that such superstition has caused the most terrible destruction among the nations. What happened whenever this saying was taken up in a nation: [34] "in connection with certain moral truths one can, or indeed one must, place one's reason wholly in the custody of the authorities?" Ask this of the history of the Egyptians, the Jews, and all the ancient nations.—The monster of hierarchy appeared. Priests obtained power over the understanding of the people, that now had to believe, will, do, omit, love, detest, fear, and hope as they wanted them to. Is this not in itself already ignoble and demeaning for humanity? Does this not enervate the human spirit, make it cold to the truth, and deprive it of all of its effectiveness for virtue?—And if these despots of the human understanding still only made good use of their power and told the poor people only what is true and good[?]
—But how much has this power not been misused at all times? And was the misuse not inevitable? Were the possessors of such a power over the ideas [35] and judgments of the people not people themselves, that were ruled by various passions? Could it remain without charms for them, that this power gave them great authority, that they could obtain honor and riches, and from rule over people's minds could rise to rule over their goods and persons?—As soon as these monopolists of the truth found that they would not be disappointed in these expectations, they looked for means to maintain it. And this means was naturally superstition itself. They made sure that the people would be ever more willing to believe: and they accomplished this through encouragement of barbarism. They taught the renunciation of reason as a religious duty. They drew the sciences into their orbit, and tried to stop up all sources of enlightenment. And after they had first placed one generation under their yoke, they took over the education of the young [36] in order to be sure of the following generations and to establish their power forever. The study of languages, philosophy, natural science, and the fine arts were expelled from the schools. Collections of unintelligible doctrines were made, which the people had to learn by heart and view as holy relics. The authority of law-giving power was procured for these collections. And in order to ensure that no solitary voice be heard which spoke for the rights of reason and of humanity and roused the spirit of freedom,

speaking against the privileged national belief was made a crime against the state. Thus all thinking in religion became futile on one hand, and dangerous on the other. That was the downfall of humanity. Religion, reduced to no more than nonsensical memorization, could give no more nourishment to the spirit and no motive and courage to the heart [37] to undertake noble deeds. The virtues were lost because they had no motivating power from the understanding any more, and their very name sank into infamy because ceremonial rubbish had taken on the appearance of virtue, since the monopolists persuaded the people that prayer, fasting, pilgrimages, etc. were the means to obtain God's love and bliss. And with this the vices lost their horrible shape and human thoughtlessness became a torrent that flooded the world with horrors and misdeeds. Sin was no longer the natural cause of the destruction of human happiness, but mere affront to an angry God that could easily be redressed through the mediation of priests. And so humanity sank into barbarism and viciousness, its further improvement was made impossible, and the happiness of states [38] as well as that of the individual irremediably ruined.

With these observations I want to bring the question to the heart of each king and prince, if he knows of a more sacred duty than [i] to block all increases in superstition and each attempt of its supporters (that have now united in the beautifully disguised Society for the Advancement of Pure Doctrine), [ii] to work against it with determination, not only out of love of God and of humanity, but also out of care for himself, in order not to become the crowned slave of hypocritical fanatics, and [iii] to preserve the freedom to think and to judge as the only prop of enlightenment?

V.

[FREEDOM TO THINK, A GENERAL RIGHT OF HUMANKIND]

You people! Freedom to think and to judge independently from authority, independently from the pronouncements of priests, [39] monks, the pope, church councils, the church—this is the most sacred, most important, most inviolable right of humankind. You have cause

to treasure it more highly than all other liberties and rights because its deprivation does not merely reduce your happiness but completely destroys it; because the absence of this freedom makes the perfection of your immortal souls impossible; because human virtue, peace, and consolation rest on this right; because without this right and its exercise you become miserable slaves, and risk your souls and salvation when you leave it to those to whom you renounced your reason in blind imitation, whether they want to lead you to truth or falsehood, to heaven or to hell.

I call this freedom a right, and indeed an inviolable right, that God has given you, and that exactly for this reason no one can or is allowed to take from you. Other [40] rights you have, such as the right to do business in a country, to own houses, etc., are given by princes, and they can take them away. But this right is given to you by God.

You ask, how do I know this? Learn, people, the unmistakable sign of all God-given rights. It lies in nature and requires no subtle demonstration. Where there is power, drive, and need, bestowed by God, implanted by the Creator, there is right.¹² Animals, for example, have the power, the drive, and the need to reproduce; thus they have a right. And whoever denies them this right fights against nature, that is, against God; he rebels against a God-given right. People have the power, the drive, and the need to eat, to drink, to breathe; thus they have the right to do so, and so on.

Or do rights have other signs? Do you know a better proof of a right? You subjects of Prussia, [41] how do you know that Frederick William¹³ has a right to rule you? You lucky children of Joseph,¹⁴ how do you recognize his right to be the father of his people? Do you want to read an abstract deduction in order to understand this right? Go and pay Mr. Pütter a hundred Louis d'or and he will make an artful deduction of the right of the Prussian monarch to Silesia.¹⁵ And when you have read the deduction and now are a believer in this right, pay him

¹² Cf. Baruch Spinoza, *Tractatus Theologico-Politicus*, tr. Samuel Shirley (Leiden, 1991), pp. 55, 237.

¹³ See note 1 above.

¹⁴ See note 1 above.

¹⁵ Johann Stephan Pütter (1725–1807), head of the law faculty at the University of Göttingen. He championed the historical approach to public law. Frederick II went to war and took Silesia from the Empress's Austrian possessions in 1740.

another hundred Louis d'or and he will make you as stringent a deduction of Joseph's right to Silesia. And what have you learned? How much cleverer are you now? O you fools, who seek in the minds of learned men for the truth that nature teaches you! Believe me, the jurists' right is a hoax;¹⁶ the right of nature alone is solid, eternal, and unmistakable. Don't ask priests and prophets. [42] God speaks to you more clearly in nature. Only pay attention to His signs. Whoever God gives power, also has the right. Without God's will he would not have the power. If God wills that he have the power, that power is a sign of His will; and thus the basis of a God-given right. This holds for princes who inherit thrones as well as for princes that steal a throne. No philosophizing is valid here. Man cannot see God's face, as Moses said so rightly. One is obliged to see His back.¹⁷ That is to say, one must not determine a priori what God wants. One must judge that a posteriori. One must wait for evidence of God's Providence. What He does, is His will. Whomever He gives the power, should use it; he has the right, the calling, to use it. And that is divine right. And thus the right to think and to judge for oneself is a divine [43] right; because God has given the power, the drive, and the need for it. And because he gave this power to all people, the right to think and judge for oneself is a universal right of humanity, more sacred than all the rights of princes, and thus, because it is a universal human right, it is above the particular rights of princes.

VI.

[FREEDOM TO SPEAK AND TO WRITE, NOT LESS]

And, with all these reflections, should it be a question in its own right whether the freedom to think also establishes the freedom to speak? Should one acknowledge the former right as sacred, and believe oneself authorized to snatch the latter away from humankind?

Oh, you tyrants of humanity, who keep and protect the iron scepter

¹⁶ Literally, *eine wächserne Nase*, "a waxen nose," an idiom for something unreliable, as bendable as a waxen nose.

¹⁷ Exodus 33: 20, 23.

of violating conscience! Step forward and, [44] if you won't listen to the voice of virtue, at least hear the judgment of common sense. Read and examine me. I will make things so clear to you, that only an extreme level of stupidity or the blindest dependence on prejudices will be able to keep you from being persuaded. It is true, your minds are armored with metal and your backs covered with Russian leather, but I will smash the bronze and tear the skin: so that you will feel my blows and at least scream, if your senses are no longer receptive to the harmonious sound of truth.

The freedom to share one's insights and judgments verbally or in writing is, just like the freedom to think, a sacred and inviolable human *right* that, as a *universal* human right, is above all the rights of princes. And a ruler who says that he leaves it to each to hold his own opinion and to believe what he wants, but [45] that he may not speak or write what he wants,¹⁸ plays with human intelligence and has humanity by the nose. Because basically that is saying no more and no less than that "I will permit you to do what I cannot prevent, but I will take away this facetious permission by preventing you and the rest of humankind from enjoying it." Judge impartially and tell me if this is the case. Can a prince, even if he has half a million soldiers standing ready to execute his orders, coerce my understanding? Can he influence the inner workings of my mind? Can he prevent me from thinking, judging, or believing something? Oh, proud impotence! And still he will dare to say, "I permit my subjects to believe what they will." Is it not foolish, that he reckons as a favor what is a necessity? And would not [46] this gracious permission be as curious as if a master wished to pay his servants with the seven days of the week and indeed free daylight? No, dear rulers, you must not toy with people who are only different from you by accident; since it is true after all what the wise Frederick said: "d'être Roi c'est un hazard."¹⁹ You must remember that the right to think (thank God!) is not within your jurisdiction at all; that you are not permitting anything if you rob us of the right to speak, and that you

¹⁸ Perhaps a reference to Frederick William II; see above, "Introduction" to Bahrtd, p. 100.

¹⁹ "To be king is a matter of chance." Bahrtd attributes this to Frederic II, but we have been unable to locate the source of this quotation.

trample underfoot all the rights of humankind if one of them is not sacred to you. Hear my reasons:

1. The freedom to communicate one's knowledge and judgments is, first, a universal right of humankind, because and insofar as all people have received the power to do so from the Creator. For it was God who gave us reason and speech. [47] Princes can only bestow houses and estates. But these universal goods come directly from God. Since God gave reason to all people, it is a right and a duty for all to use it and through one's own free reflection to seek the truth. In the same way, since God gave speech to them all, it is a right and a duty for all to speak and to communicate the truth they have found. Therefore, whoever takes away from me the right to speak rebels against the Creator as much as does he who wants to take away from me the right to think. For both rights rest on a common foundation which no philosophical or theological departments can invalidate.

2. The second reason is just as important and irreversible. Both rights are so inseparably bound together in their employment that whoever takes away from me the right to speak also [48] deprives me of the right to think. I ask my readers to heed this quite carefully. What I say here is true from more than one point of view.

a. First: whenever people may not freely communicate the knowledge and insights they have achieved, the purpose for which one collects knowledge is lost—unless one would want to establish the most horrible egoism. After all it is by no means for myself that I have thought so much and searched for truth. If I were alone in the world, it would be sufficient for me to have very few concepts and judgments. That I try to collect much knowledge, that I strive daily to rectify, expand, and perfect my insights through experience, observation, reading, etc., happens simply because I live among people, where it is honorable to be an insightful person, and where it brings mutual benefits [49] to communicate one's insights.—Thus, who would take the trouble to think and to seek truth if he is not allowed to speak and to communicate it?—Wouldn't taking away the freedom to speak be the same as destroying the use of the right to think? When I rob a thing of its purpose, I might as well destroy it itself. And whoever tells me that he does not forbid thought when he prohibits speech, mocks me just as much as he who allows me to heat my room in the winter, but does not permit me to close the doors and windows. For as it helps little to heat,

without the goal of keeping the warmth in the room, so it helps little to think, without the goal of being able to communicate.

b. But communication is not only the principal goal of thought, it is also a universal need the satisfaction of which only makes the right to think [50] enjoyable.—Each of you need only attend to what it is like when he has heard or learned something new in history or science. Does he not feel the urge to communicate it? It is as if the newly acquired truth or story bursts our heart. We cannot rest until we have found a taker for our treasure. And this drive is already present in children. The least thing that they have heard for the first time from their teacher becomes important because it is new, and it is apparent when a child coming home from school has something on his mind and his parents or servants or playmates must lend him an ear to let him teach them the new, important truth. And in fact it is one of the loveliest and noblest drives of nature implanted in us by the Creator, that it is a necessity for us to communicate. By virtue of this drive, [51] nothing in the world has its full savor for us if we enjoy it alone. The best Rhine wine only tastes half as good when I sit alone at the table as it tastes when one or two friends are drinking it with me. Mutual enjoyment is the spice of all human joy. No happiness among people is possible without communication and sharing. And it is obvious that the Creator sought in this way to bind together human society and heighten and multiply its happiness, by implanting in each person the drive to communicate and by making him capable of fully tasting each good only when letting others enjoy it with him. And you, fathers of nations, princes! Will you deprive humanity of this divine joy? You wish to restrain them from satisfying this need? You wish to hinder them from communicating with each other the highest good of humanity [52], by which I mean insight and knowledge?—Is it not obvious that to prohibit the right to speak is to prohibit the right to think, and to make it unusable and unenjoyable for humankind?

c. I maintain even more. The right to speak is itself the only means, the only way of using the right to think. For one need only consider what would happen if all people were obliged to use their reason for themselves alone, to observe, to ponder, and to collect the knowledge required for their happiness in silence. Could indeed anything other than barbarism arise? Could anyone, even if he were the greatest genius, possibly make discoveries, all alone, in any area of knowledge?

Does history not teach that all knowledge was at first in its infancy and only grew in a number of centuries to the perfection in which we now find it by researchers communicating their discoveries and insights to one another, [53] talking about them, disputing, examining, and so forth? It is indeed as clear as daylight that all human knowledge rests on the right to speak, and that whoever would not grant the freedom to communicate would hinder all common instruction and thus all knowledge and its spread, growth, and perfection.

3. Here is a third proof: upon the right to communicate one's insights and judgments rests a person's whole peace in regard to his beliefs and, hence, as far as all his activity is concerned, as much in social life as for the sake of virtue. For no one can strive toward something with energy if he [54] is not firmly convinced that the knowledge on which he acts is true and secure against error. Thus whoever impairs the right to speak and to write takes the great happiness of firm conviction away from a person and so destroys diligence and virtue. The rightness of this conclusion is clear, for one only has to consider the sources of human conviction. Experience shows that there are only two means by which one can arrive at certainty in one's perceptions, experiences, judgments, and knowledge.

The first is a. independent verification. I must think over for myself each truth according to which I am supposed to act, whether it be as a citizen or as a Christian. I must verify their proofs, ponder the reasons for and against them, and thus seek to convince myself to affirm or deny them. Suppose that people would not have the right to communicate their thoughts and ideas, that, for example, in [55] medicine, history, and religion no one may raise his voice to express himself candidly about the truth that I want to examine. Would I really have an object of my examination? Could I really weigh the reasons pro and con if the latter were never allowed to be examined? Or will you say that this examination, this weighing of reasons and objections, is not necessary? Truly, whoever maintains that, whoever considers examining the truth dispensable for his peace of mind, cannot have realized what conviction is and the influence it has on people. Certainly, in things that do not interest them, that have no essential connection with their happiness, it is not only that one can dispense with examination, but one must dispense with it, because it is a useless waste of time. If, for example, I tried to verify every report in the newspapers about the man-

ning of a flotilla [56], the flooding of a province, and so forth, and would travel there myself in order to see if all is as it is reported, I would act absurdly, wasting too much time and effort on such things that are unimportant for me. But when we are talking about truths affecting my civil welfare or deciding the salvation of my soul, that is quite a different case. There I must examine the truth with the greatest obstinacy if I do not wish to gamble foolishly with my well-being. There I must listen to doubts, demurrals, counterarguments, and not decide to take anything as solid truth until I have finished this examination. Whoever does not strive after such a conviction, bound up with the highest peace of mind, will never learn to act with warmth and energy according to the truths he recognizes. He will remain a slacker, [57] as most Christians are, because their faith is not based on their own reflection and on the firm conviction that grows from such careful examination, and thus cannot lead to an energetic virtue. So it is clear that the human right to judge freely and to communicate to one another their reasons for and against everything that is the object of thinking, is indispensable for a conviction about the truth which gives peace of mind.

But independent verification is not the only path to calm conviction. Especially in moral matters, we cannot dispense with *b. authority*, if we wish to arrive at a satisfying certainty in our judgments. This important ground for achieving ease is taken from us if we may not freely exercise the right to write and to speak. I will make myself clearer on this point.

[58] First of all, I must tell my readers what I understand by authority so they will not think that I myself put blinders on reason here. Authority is merely an additional weight on the balance scale of truth. It should give new strength to convictions which are one's own and are based on reflection and examination. It arises when all those whom I recognize as knowledgeable agree among themselves and with me in believing something to be true.

It is self-evident that such an agreement of insightful people creates a high degree of assurance. For a natural feeling of modesty provides that in important matters we prefer not to judge alone, but rather listen to others who understand the matter. Despite the most sincere striving to find the truth, we regard it as all too possible that we err [59] for us to be insolent about our own examination and decision. By contrast,

error seems much less likely if others thought about the same point, investigated, weighed arguments and counterarguments, and arrived at the same decision as we did. We feel then much assured by such agreement, and our belief in such a truth found in common becomes firmer and more effective. Thus, when one has a difficult and lengthy accounting before him concerning property, one would not want to trust one's own calculation, no matter how carefully it was done and how many times it was repeated, but to be more sure would let others recalculate it. And if we generally feel this need for the agreement of knowledgeable people, or authority, how much stronger must it be in matters of religion? There, absolutely [60] no firm belief is possible, if *besides* one's own conviction based on reflection and examination (this must be done, of course, before any authority is consulted), one does not *also* have the agreement of the wise people of all times and nations. Because this agreement alone gives human reason infallibility.

And what if rulers want to take away from us the right to speak and to write? Where then should authority be derived? How should we find out whether or not others agree with our convictions, and who they are, and whether or not we should rely on their judgment? Truly, without this right the beliefs of people would be terrified, as if lost in a wilderness. No one would know what others think. No one could compare his truth with the truth of another. No one could [61] gain the invigorating thought that people whom he recognizes as wise think like him and confirm his judgments.

And one should not imagine that a ruler leaves this need of humankind unimpaired if he gives the right to speak only to a few (for instance, priests). If *all* do not have this right and cannot freely use it, then the *few* cannot assure us through their agreement, because *only* the free judgments of other people can have weight for us. Were this right given only to a few, one would have to fear that these few would have an agreement or common laws which would enforce the harmony of their judgments. So their judgment would not be a free judgment. Rather, those who hold a monopoly on the right to speak would use it collectively [62] for their own benefit, to lead by the nose the others to whom this right was denied.

4. Speaking of the monopolists, I recall a fourth major proof of the universality of the right to speak and to write. It is this: If the right to communicate is not a universal human right, there will arise monop-

lists of the truth who will enslave the intelligence of the rest of humankind and deprive them of their freedom to think. Examine the elaboration of this proof. I assume what has already been said above, that no one can make discoveries by himself in any area of the sciences. Whoever wants to learn a science fully must already have predecessors that have reflected, observed, and communicated their ideas concerning it. From that point he can think further, make new observations, and broaden the sciences. [63] Thus, if I am to use my freedom to think I must have an object, that is, there must already be teachings which I now consider and examine. And there must also be other people in the same area of science who work and think with me. For without the contributions of many thinking people, no science will arise. Assume that a monopoly arises in a science and that the monopolists could pull out bits of knowledge as if from a warehouse and could declare that anything not from their warehouse is contraband. Assume further what follows immediately from this: that the monopolists hold in their hands all of the means by which one can communicate one's knowledge to others, for example, that no one else is permitted to teach that science publicly, that no one else is permitted to write books, and so forth. [64] Wouldn't the other people now be forced to think and to judge like them? Only recall that no single person *creates* a science, but that he usually can only think what he finds before him. If now the rest of humankind only find the same thing, if they only find what the monopolists give out as truth, then that is also the only thing that they can think. It is obvious, after all, that if a prince makes me such a monopolist, and gives me the privilege of all means of communicating knowledge, for example, all the printing presses, so that his subjects come to see nothing but what I print and let them read, that I would have the understanding of the subjects wholly in my power. And can a more horrible tyranny be conceived?

[65] VII.

[DOES THIS FREEDOM HAVE LIMITS?
AND WHICH CAN AND SHOULD
THE LAWGIVER ESTABLISH?]

Up to this point I have proved that the right to speak and to write, as much as the right to think, is and must be a universal and inviolable human right. Now the question remains whether this right will tolerate restrictions, and which ones?

Any infringement on a right can be physical or moral. The right to think is susceptible purely to moral restrictions, but the right to speak can also be susceptible to physical restrictions.

It is obvious that no one, and thus no ruler either, can restrict the right to think physically, because thinking is an inner activity of the mind, which no physical power is capable of influencing. Moral restrictions, however, consist in our own soul's ideas, which appear to us as sources of the motivation [66] to limit the right for ourselves. It is up to the moral philosopher to develop these ideas and motives. They all simply remind us that we ought not to allow our ability to examine everything for ourselves and to simply follow our convictions to degenerate into a miserable skepticism; that we must, in other words, try to investigate the borderlines between superstition and skepticism and not go beyond the demands that the careful seeker after truth makes before he decides to accept something as true. What these borderlines usually consist in, within which the reasonable seeker after truth must keep himself, I have already set forth in another work, that will not remain unknown to the reader.²⁰ It is enough for my purposes here, which only concern rulers, censors, and writers, to have marked out the point that there can be no physical restrictions on the right to think.

[67] But why, one could say, should only the right to speak be susceptible to physical restrictions? Is not the one as sacred as the other? Yes. But the one does not stand in the same relation to human

²⁰ Perhaps Bahrdt was already working on what became chapters 6–16 of his *Handbuch der Moral für den Bürgerstand* (Tubingen, 1789), on standards of knowledge.

society as the other. It is undeniable that actions which affect other people take on an entirely different moral point of view than actions which occur entirely within the acting subject. First, naturally the people who are affected can bring counterinfluences to bear, and so restrict the actor by their reactions. And from this follows secondly the right of the state to supervise such actions as affect the state or the members thereof and to prevent harm, be it to the welfare of society, or to the rights of individuals.

[68] From this principle naturally results the nature of all restrictions of human rights in general, as of the right to make known one's thoughts and judgments in particular. Namely, they can 1) never extend to this entire right. The right can be taken from nobody without tyranny, without invasion of God's sovereignty, no more than the right to live, to breathe, to reproduce, and so forth, for being able to use one's reason and to possess one's vital energy is, one like the other, a good that God has bestowed upon us. Is not whoever takes from me the free use of my reason as much a rebel against God as whoever will no longer allow me to live? Equally, the restrictions cannot be extended to any object of the law. Because as universally as God has made me able to think, so universally he wills that I should be able to communicate [69]. Thus, as much as the state is not entitled to ban a type of science and knowledge from the world or from the country, it is also not entitled to restrict individual members of the state from pondering such a science and making his thoughts known. This is valid fully the same no matter what I want to judge and give my judgment about—whether about medicine, or history, or religion, or the Bible, or about the state itself or its individual members. Knowledge and judgments that in themselves must be tolerated in the state must also be tolerated in each individual, because there are no exceptions in regard to human rights. Human rights are universal rights that every one who is human is permitted to exercise because he is human.

Thus restrictions apply purely to certain actions through which [70] a person makes use of his rights, and accordingly not to the entire right, but only to the mode of use—in particular cases—when and insofar as in such a particular case society or the rights of individuals are truly affected. All of this must be considered carefully. For the present investigation into how far the right to communicate one's thoughts can be restricted by the state is exactly as important as the

question, how far does the state have power over the lives of its members?

I say 1) the state can restrict the way in which it is used in certain cases. Does that mean that it can prescribe this way and require me to make known my thoughts only at the place, at the time, in the language, in the tone, and so forth, that it prescribes? No. It has only a negative power over human rights. [71] It can only forbid certain ways it is used.

I say 2) the state can restrict my right in certain cases. Thus not its whole use: so that, for example, could it say you may communicate your thoughts to whom and where you want to, but never in print? No. It can prohibit the way it is used only in certain cases: for example when a pamphlet is published or meant to be published which would entail damage to the state itself: then the state can, in this particular case, prohibit this pamphlet.

I say 3) the state can restrict the way it is used in certain cases if the state or the rights of individuals are truly endangered by it. Thus fantasies and false pretences are not valid here. The holders of the legislative power must deal with human rights conscientiously. They must investigate vigorously and carefully [72] whether in a particular case the way it is used does real, and I add here considerable, damage. If for example someone made use of his right to be and to do what he wants on his own land, and if he built a factory to produce *aqua tofana*,²¹ or if he worked in his house in such a manner that he threatened to demolish his neighbor's house, then the state could prohibit these uses in these individual cases. On the other hand, if he laid out a garden that is more beautiful than his neighbor's and thus makes the neighbor sulky; or if he started to work very early on his weaver's loom and thus woke up his neighbor, and the neighbor either had to wake up earlier or go to sleep in another place in order not to be disturbed; then the state would have no right to prohibit that, because in the first case no real harm, and in the second case no [73] considerable harm was done. And it would amount to the most horrible tyranny if

²¹ A fluid containing arsenic, and used for secret poisoning, made by an Italian woman named Tofana, in the middle of the seventeenth century, who is said to have poisoned more than 600 persons. See Friedrich Karl von Moser's "True and False Political Enlightenment," in: Schmidt, ed., *What is Enlightenment?*, 214.

the holders of government intended to restrict such possibilities of applying human rights.²²

If a conscientious ruler carefully keeps these three considerations in mind then he will certainly not err in the use of his right to restrict the right to speak and to write. And I will myself try to guide his steps more closely by applying the above-mentioned [74] principles to some of the most important objects and by showing where and how far conditions exist under which he may impose a restriction, that is, where a real and at the same time a considerable harm from the use of this human right is to be feared.—I have pondered so earnestly on these matters for so many years, and discussed them with thinking and conscientious men, that I may hope to be able to say something profound to my readers. I only ask them to read and to examine what I say, renouncing prejudices and authorities.

I have before me the Imperial-Royal Decree of June 2, 1781,²³ which will be the basis of my further comments on the right to speak and to write. It is an unmistakable sample of the great and illuminated spirit of the monarch²⁴ and shows how much [75] this much-loved father of his subjects honors and holds human rights sacred. It runs thus:

His Imperial Royal Majesty, etc. has found it to be His supreme duty to make a change in the present arrangement of the censorship of books, to make its action easier and simpler in the future. To this end, etc.

The royal intentions are as follows:

1. Severity against all that contains immoral appearances and nonsensical obscenities, from which no learning and no enlightenment

²² [Bahrtdt's note:] Nevertheless, a traveler recently told me of a case in Eisleben [in Saxony] in which the Inspector General, a nobleman, had made it necessary for a poor citizen whose house was next to the high noble's palace to sell his house and to move somewhere else because the weaver's loom of the industrious citizen disturbed the sleep of his Inspector General-ish Highness too early and his High and Mightiness did not want to move his own sleeping chamber. Is that not infamous tyranny? And this nobleman is at the same time one of the Directors of the Society for the Promotion of Pure Doctrine. Oh!

²³ Joseph II's.

²⁴ Joseph II.

could ever arise, but be all the more lenient against all other works in which one finds learning, knowledge, and regular propositions, since the first are only read by the great masses and the simple minded whereas the latter come into the hands of already prepared minds of steady principles.

[76] 2. Works which attack the Catholic and frequently the Christian religion systematically can be tolerated as little as those which publicly supply an opening for the spreading principles of unbelief and submit our holy religion to ridicule and laughter, or portray it as contemptible through superstitious distortion of the qualities of God and ignoble fanatical hypocrisy.

3. Critiques, as long as they are not libels, aiming at whomever they may from princes to the lowest people, shall not be prohibited, especially if the author allows his name to be printed and by that warrants the truth of what is said, because it must be a pleasure for everybody who loves the truth to be confronted by truth even when it shows up in the form of a critique.

4. Entire works and periodicals are not to be prohibited because of certain indecent passages, [77] if they contain useful things. Because that kind of large work seldom falls into the hands of people upon whose minds sundry indecent passages could cause harm, etc.”

This supreme decree shall give me an opportunity to comment in more detail upon three aspects of the human right to express one's thoughts aloud and, consequently, in print: 1) religion; 2) states and rulers; 3) private individuals. And I hope that it will not be disturbing to my readers if I also indeed must find fault in the foregoing royal decree, since the monarch, in this very decree, has himself guaranteed my right to such expressions.

VIII.

[THE WRITER'S FREEDOM IN REGARD TO RELIGION]

First, on religion.—And here already my convictions do not agree [78] with those of the Imperial-Royal Decree. The whole first section is

splendid and unimpeachably beautiful, but the second clause, which forbids writings against religion, appears to me to be thoroughly against the principles that have been established and proven up to this point. I believe that in spite of my true respect for the monarch I may say this and modestly explain it. My contentions are bold, but in view of their foundation they deserve thorough consideration.

I maintain that the right to communicate one's thoughts about religion must indeed not be restricted at all, because there is no case in which the use of it can do real harm to the state or to the rights of individuals.—Let me bring more order and structure into this argument in order to produce a more thorough assessment.

[79] a. The first premise is this: “the use of a human right that does not harm the state or the right of its individual members, shall not be restricted.” Its proof is obvious. Because this is the only condition, as we have seen above, in which human rights may be restricted. The ruler who denies this, whose arbitrary will tramples upon the rights of humanity, removes all rights, including his own. For his own right is based on the investiture of God. Since God has given him the power to rule, so we attribute to him the right to rule. Thus, if he believes that divine rights based on powers given by God can be arbitrarily taken away or restricted, he must grant that also for his own and all human rights. And then I can no longer dispute with him. But if he grants me in general the [80] sacredness of human rights, he must also recognize that restrictions on them cannot be arbitrary, but that the use of human rights may only be restricted in those cases where there is a collision, that is, where the state itself or equally sacred rights of humanity are apparently affected by the way they are used.

b. And now to the second premise: However—the use of the human right (to communicate one's thoughts about religion) can never harm the state nor impair the other rights of humanity.

α) Not to the other rights of humanity. For which of these rights could a publication about religion harm, even if it contains a denial of God? Does such a publication hinder other people from living, breathing, growing, reproducing, making a living, and so forth? Or may such a publication [81] forcibly impair their freedom to think and to believe? I think indeed that there is no publication in the world that could do that. Each keeps his freedom; the other people can speak and write what they want. No one is even obliged to read it, much less to

believe it. Or will one object that other people could still be misled into reading an irreligious publication and accepting its errors? I answer that this objection is inadmissible because it proves too much. Because if everything that could lead to error or to sin were to be forbidden, how much in the world would have to be prohibited of what happens daily in palaces and in huts? Thus, it is obvious that the use of a human right can only be limited where human rights of others are impaired directly and by force. If I thus, for example, as a writer on religion [82] were to urge my beliefs upon others, beat them into reading my work, or drive them out of hearth and home if they did not believe me, then I would be using my right to write in a manner that the state would have reasons to restrict. And in such a manner priests and monks have often used the right to make one's belief public, and made it the duty of rulers to restrict it; the very priests, I would say, who want to have this right disputed or restricted for other people. But as long as I use my right to speak and to write in such a way that it does not forcefully injure the same right of other people, then no condition exists that justifies the state to restrict it. But as no one can directly harm the rights of other people merely through speaking and writing about religion, as little can he [83] β) be immediately harmful to the state itself. One may examine this point impartially. I would say that the state is never interested in publications about religion: it can neither win nor lose anything through them. We will illuminate this contention with unprejudiced love of the truth according to the various concepts that people have about the word "religion."

IX.

[ON CHURCH RELIGION]

If one understands by religion the prevailing teachings in a state, one will not be able to show a single side from which it could appear as an object of the legislative power. For what relation does the state have with it?

1. Should the state protect it? That is, should it prevent any physical force that seeks to hinder its believers from their beliefs and practices? [84] It owes the same to every other religion. It ought to let anyone

believe and practice his own religion and protect him against violations by force. And it does not have the slightest obligation to favor one over the other.

2. Should it deflect moral forces, that is, not tolerate that one refutes them? Why this? If the religion that is privileged in the state is refutable, then the truth must be above all sacred for it, and it must hinder no one from bringing the truth out and unmasking error. If it is not refutable, then it does not need any protection from the state. And how many times must it be repeated that truth does not tolerate violence whatsoever, that each protection of it through physical power is against the rights of humankind. Truth is a freehold, to which we all have the same rights. It may be neither imposed upon someone nor forcibly vindicated. [85] For the truth there is no protection but the protection of reasons and proofs. A religion that cannot rely on its proofs but instead implores the worldly arm to support it, is for this alone suspect in the highest degree. It must be more important to the state that through unrestricted freedom to talk about religion the truth comes to light, than that a single sect or religious party be maintained. The well-being of the state and of the ruler rests purely on the spread of virtue and enlightenment among its subjects, but not on any church with its priests having the upper hand. Moreover, it must be important to the state that the laws are good and become ever more perfect through the frankness of writers (which is the principle of our great Carmer²⁵), but not that a once-fashionable legislative system maintains itself. Or [86] will one say that with its teachings a sect or a party will make a state more flourishing, happier, more populous, and more industrious? I would have thought that even common sense would see that a particular doctrine (for example, of the Catholics, the Protestants, etc.) can do nothing to contribute to the flourishing of the state. For all religious parties which maintain a belief in God and virtue and recommend diligence, hard work, honesty, loyalty to the prince, etc., are beneficial to the state in the same degree. The distinguishing doctrines or practices in the worship of God make not the least contribution of their own to the happiness of human society. For it is probably obvious to anybody

²⁵ Johann Heinrich Casimir, Count von Carmer (1720–1801), Prussian Chancellor who invited public comment on the draft General Prussian Law Code.

that, for example, it does not make the state better or worse off if the subjects enjoy the Lord's Supper under one or both forms; if they imagine one or three [87] or more persons in the being of God; if they baptize their children only once, or repeatedly; and so forth.—What can it matter to the state then, which religious party is the ruling one? As mentioned, if it possesses irrefutable truth, it will and must maintain itself by its reasons and proofs, and consider it shameful to implore a physical power for protection. But if it does not have this inner protection, then the state can leave it to its own devices.

3. Or shall it help secure the throne?—Oh, dear friends, the throne stands secure without your current religious doctrines; especially today, when standing armies enforce the law. Give me Frederick William's power; I will be as calm on the throne as he is, who reigns over Protestants and Catholics, even if all my subjects are Muslims. And—among ourselves—[88] history gives examples in which the existing doctrine more likely made the throne insecure, and inspired here the monks and there the people to overthrow the rulers.

4. Shall it give the ruler wisdom? It is certain that no doctrine can do that. Religion in general, if it has the sound concepts of God and virtue that almost all religions have in common, must give him wisdom. But among the distinguishing doctrines of the parties I know none the study of which can make the ruler cleverer and more adept at leading his government. And history tells us that often the princes who are most devout and most devoted to their doctrines have been the worst rulers.—In a word: examine the matter from whichever side you will, and you will find that religion, insofar as by that one understands one of the familiar denominations, can in no way interest the state, [89] and neither can it have an immediate impact on the security of the throne, nor for protection against external enemies, nor for the loyalty of subjects, nor for the increase of wealth, and so forth. And if I am very far from being an indifferentist, attaching the same worth to all religions and doctrines in relation to my beliefs and my convictions, I must according to my conscience declare that they are all the same in relation to the security and happiness of the state. For only that which they all have in common makes humanity happier—contrary to that which each denomination has alone and which distinguishes it from the others, which never improves the moral or civil condition of people.

X.

[ON REVEALED RELIGION]

Still I would go much further. For even in those cases when by the word religion [89] one refers to none of the familiar denominations, but only to revealed religion in general, without reference to sects and parties, also in those cases I say that the state has nothing to concern itself about, and must not consider itself entitled to restrict the right to speak and to write about it freely. And almost all of the foregoing proofs are valid here. For as soon as one understands the characteristics of revealed religion quite clearly and distinguishes the form from the substance, one will indeed be in agreement with me. The substance itself consists of the doctrines of God, providence, the obligation to virtue, and so forth. The form, however, consists in the sources of these doctrines insofar as they supposedly are revealed directly by God. Who does not see that only the substance must be important to the state? The state is concerned only that the subject has stored in his knowledge sufficient motives [91] to industry, hard work, obedience to the laws, and so forth. And these motives lie in the substance, the teachings. And if the subjects understand, believe, and follow these teachings, then it does not matter to the ruler whether or not they also accept the form. It cannot trouble the ruler in the least whether his people draw the motivation to virtue from reason or from revelation. For experience teaches him that in the inhabited world there are many empires and states where the subjects believe and follow the motivations for civil virtue with as much firmness (and often with more) as the subjects of those states that have and accept the Bible. And I am sure that our great monarch would not lay down his scepter and feel himself unable to make his country happy if all of his Catholic [92] and Protestant subjects emigrated and only Greeks or Turks or Tahitians came in and placed themselves under his wise laws. For history, which is our best mistress throughout, shows over and over that there was as much industry, art, riches, valor, magnanimity, in short as much civil prosperity, among the heathen subjects of the former Greek republics and those of mighty Rome, as in the states in which the motivation to virtue is derived from revelation.—Why should then the state restrict its subjects and not tolerate those who made use of their human right and

who assert that they recognize and honor God and virtue without revelation?—Should it do so out of respect for revelation? Oh, truly the latter does not need any enforcement. If it is genuine, it will maintain itself without the protection of the prince, and [93] attract the people through its inner strength.—And to suppress the rights of humankind out of respect for God is the same as, out of respect for the king, to kill a man who is supposed to have spoken ill of the regime.—No! The ruler's duty is to care for civil happiness; and as long as one cannot prove from history 1. that those lands where the motivation for virtue was derived from our revelation have been without exception more flourishing and happier, and that 2. those lands that derive theirs from another purported revelation or from nature and reason have found themselves without exception in a worse condition; as long will one try in vain to convince an intelligent prince to suppress the rights of humankind, and that he must silence those who cannot convince themselves of the Christian revelation, and forcibly prevent them from [94] communicating and making known as good as others their convictions and insights.

XI.

[ON MORAL RELIGION]

But what, many will think, if the right, favored by princes, to speak and write what one will about religion were to be so badly abused that the universal religion, too, would be attacked, the existence of God made doubtful, the immortality of the soul denied, and so forth? Should the state still remain silent and permit freedom of the press, in order not to tread too near the rights of humankind?

Impartial readers, hear me! I write as I would speak if I were to appear at this moment before God's tribunal and had to justify myself.

I am convinced as vitally as anyone of this universal moral religion, I love it so deeply as my own tested truth, and feel its power [95] to strengthen a person's virtue and to comfort him in his troubles so much that for my part, I would quite earnestly ask any of my fellow human beings who doubts these truths so dear to me to keep his doubts to himself and indeed to not weaken anyone in his beliefs by making

them known, and thus to deprive one of his motive for virtue and his consolation in suffering. But—to coerce him, to hinder him with force, or, if he nevertheless did it and made known his doubts, to punish him—that I would not do, even if I were the greatest monarch and if it cost me the least effort. Indeed I would explain to any prince that it is a sin to intend to use physical force to take the natural right to make known one's doubts from an honest doubter, a right that as a human being he has in common with all others. And here, too, I judge [96] on the same ground, which is the most important in this whole inquiry: namely, the relation of this matter to the well-being of the state. For it is undeniable that the ruler has power purely and only over the state and the means to its security and welfare, but none whatsoever over the inborn rights of humankind as long as these do not collide with the state and its welfare. Now, if the communication of doubts about moral religion can never harm the welfare of the state in itself, then a conscientious ruler would have to leave the inborn right to communicate one's thoughts unrestricted.—Here are my reasons:

1. The virtues, insofar as they are the reason for the welfare of the state—that is, as they motivate the subjects to be industrious, well-behaved, peaceful, economical, obedient, and so forth—even without belief in God and [97] immortality, maintain their sufficient motivating power, which lies in the manifold benefits that they provide for the people as much as in the thousandfold evils that the people receive from the opposite vices. And I am very much convinced that someone who is not driven by these motives, for example to be hard-working, would remain lazy even if he believed in God and immortality. For everyone has his consciousness that reminds him to go to his work daily, led by the consideration that: “I must live, I must earn bread, I must raise my children, I must provide the means for my enjoyment, I must acquire the goodwill of my superiors, and so forth” and that not a single person is driven to be industrious because he will go to hell if he does not work. Even if it is clear only to the unprejudiced observer of humankind that heaven and hell are indeed never the closest motives to civil virtue, [98] but that people are led primarily by benefit and harm and through the enforcement of good laws, it must indeed be just as clear to him that the state can tolerate the atheist, too, and leave his human rights unlimited without worrying about any injury to itself. And the ruler is bound to leave these rights alone because he is allowed

to restrict them only if the state were clearly to be harmed by their use.—Moreover, I hope that the intelligent reader will not conclude from what I have said that I attribute no power to moral religion to make people more virtuous. For I indeed maintain only that it is not the immediate motive to virtue insofar as the welfare of the state depends on it; by which on the contrary I do not deny that it is a very great and valuable means to the higher perfection of human [99] virtue. Each one, I think, can be a common good person without religion, but only religion enobles people to great and noble deeds, to self-sacrifice for love of humanity, to wise toleration of vicious evil, etc. Thus I do not deny religion its value, but I deny only its indispensability for the common virtue that is necessary to maintain the state. And from that follows what I wanted to prove, the duty of the prince to leave unrestricted the human right of honest doubters. For if someone objects and wants to say that the ruler should deprive the doubter of the right to doubt because he impedes higher perfection, then I would say that is foolish, because the ruler is concerned with the state and not with the higher perfection of the individual. If he were allowed to claim every advancement toward the higher perfection of each individual as a pretext, [100] he would be entitled to impede the exercise of human rights in a thousand ways.

2. Equally, one cannot contend against the free exercise of the right to communicate and thus make known doubts about religion that, while the state may actually not be harmed, the individual may be harmed by reading such doubts, as he may be disturbed or led into error. For harm that hurts an individual cannot make my right invalid. Otherwise I must for example also give up my right to look out the window if a woman may be in danger of mistaking my intentions upon seeing me; or if it made a fool who cannot stand me furious. Universal human rights cannot be limited at all for the sake of an individual, provided the harm that is done by its use is not 1. immediate and [101] coercive and 2. does not itself forcibly impair a right of humankind. Since, thus, the doubter does not force anyone to read him or to listen to his doubts, and since, thus, no human right is forcibly violated by making known his doubts, his right cannot be infringed for the sake of an accidental harm, and least of all by a ruler whose state loses nothing by this accidental harm, and never has lost anything, according to thousands of experiences.

3. Incidentally, it is indeed obvious that taken as a whole nothing is to be feared from atheism itself. For there have been atheists and atheistic books in every century, and the grounds for the existence of God have maintained their power among humankind and maintained the belief in God. Why, then, should princes take the field against the atheists now [102] and become tyrants against human rights? Physical power belongs in civil life. But the power of reasons (moral power) is for the guidance of thought and judgment. Thus if a prince really wants to have religion and virtue in his land, he must not go to work with inquisitors and soldiers, but must set into motion moral forces. That is, he must see to it that ignorant monks and priests do not talk fables and scholastic ideas and precisely through that produce doubters and unbelievers, but that there are men of mind and spirit in the land who are encouraged to spread reasonable religion in speeches and writings, to bring before the people tangible proofs of the truth, and to illustrate them through nature and experience, and so forth. And if he employs this moral power, through which alone Jesus Christ claimed to reign over humanity and to be their king [103] (John 18: 36), he can make all the writings of doubters harmless without becoming a tyrant over human rights.

4. And this avoidance of all coercion, even against unbelievers, will appear that much more of a duty to a wise prince if he will recall that by the narrowing of the right to speak and to write all enlightenment in the world would be made impossible.—Take, for example, a heathen land and assume that each ruler has the right to forcibly hinder those who want to bring up doubts against the predominant religion in the land. How should enlightenment begin? Do we not owe the introduction of Christianity to the very right to speak freely, and to speak about and against religion, too? Where would Jesus's gospel be if Rome's tolerant regime had not encouraged it, but instead there had been a Spanish Inquisition?

[104] 5. One should add that publications against religion in all times have been of the greatest use to religion itself. Must we not thank the astute objections of the doubter that the teachers of religion have pondered their religion more, improved its concepts, rejected old and untenable proofs, given more conciseness, light, and strength to the tenable ones, and in short, illuminated the truth more and made people's beliefs more profound? Must one not view the whole contem-

porary progress in religious knowledge and the victory over so many ravaging prejudices as the beneficial result of their frankness, which the princes grant to writers? And would the splendid institutions of our wise monarch for religion, education, public schools, and so forth still be there and have made progress if he had not encouraged the human right of free speech and writing? Just [105] consider the states of Joseph, where good institutions are impeded by the prevailing superstition and through prejudices that have become sacred because of their age.

6. Finally, one should ponder how through the narrowing of the right to speak frankly one's thoughts about religion all of the astounding benefits which have been explained above (III.) are destroyed, and that on the opposite side a horrible monopoly of truth arises out of each restriction, which threatens the world with tyranny, harmful hierarchy, barbarism, and superstition. Tell me, then, if this is not the most reasonable proposition:

That a wise ruler must in no way restrict by force publications about and against religion, that is, about and against all that in the minds of rulers and subjects may be regarded as religion. [106] Indeed, as a lawgiver he must never concern himself about religion, but must leave human understanding to pursue its own course, convinced that civil activities should be led through physical power only, but that thoughts and judgments should be led only through the moral power of reasons and advice. And that at the most their human right may be limited in the way it is used, that is, to call for writers to refrain from the lowest and most vulgar wit and mockery.

XII.

[ANSWER TO VARIOUS OBJECTIONS]

And in order to make this great result of my observations—it is of the utmost importance for humanity—clear and undeniably true for all, even the most weak-minded of my readers, I will further examine and dispel the chief [107] objections and scruples of conscience that may still disturb one or another of them.

1. When I maintain that everybody must have the unrestricted right to communicate what he recognizes to be true, especially in matters of religion, perhaps a feeble Christian would object and say: "Yes, each may freely communicate and make known the truth, but not errors."—This objection is, however, pure failure of reflection. One should realize that it means nothing. For you who make this objection call error what you hold to be error, that is, whatever does not agree with what you take to be the truth. Thus your claim is inconsistent in the highest degree, because what each one thinks and believes is in itself truth to him and not error. What do you want when you require that [108] everyone should only communicate to others the truth? Isn't everything that one communicates to others the truth? That is, doesn't each one honestly hold for true what he believes and makes known to others as his belief? Thus it is indeed impossible for anyone to communicate anything else than his truth, that is, the ideas that he holds as true.—Or can you reasonably claim anything more? Can you require that his truth also be your truth always—that his ideas never differ from yours, and, thus, should never be errors in your eyes,—and that in case that you believe that his truth is an error, he should be silent? Can you demand that? And on what ground?—And if you want to demand it, must not the one who errs in your eyes also demand that you should be silent about your truths, if they are errors in his eyes? Is not one person as [109] good as another? Are the rights which the Creator gave to all along with the power to use them not to be granted for all?

2. "But we know it for certain that we have the truth and that those who bring up teachings that do not agree with our teachings are in error, and so we can safely hinder them." I will not raise the question of whether you know it so certainly: or if your supposed certainties aren't much more simply the result of your education, and have been created simply by long-lasting custom to think and to believe something.—I will only maintain that your conclusion itself is false because it proves too much, and that it gives your opponents the same right that you deny to them. Think about it a little. You conclude: whoever is certain that he has the truth may hinder others from making known the opposite. Now, we find ourselves [110] certain, etc. Thus, etc. Isn't that how you want to argue? All right! It is thus only your own admission that all people who are certain that they have the truth also have the sole right to spread their truth, and to take away the right from all

whom they are firmly convinced are in error, or indeed to be tempters, and to make them keep silence? Tell me, is that your admission?—Well, then the Jews had the perfect right to hinder Jesus from teaching the Gospel, and to punish him as a tempter. And they pushed him away with every reason. For they knew it for certain. Their conviction in regard to Mosaic religion and all the other doctrines of the Jewish church of that time was as firm and profound as your conviction about your religion. Jerusalem was to them what Rome is to Catholics, and their high priest was to them what the pope is to the latter. They considered their religion to be divine [111] with the same conviction that you have about the godliness of yours.—So learn to understand that each who errs in your eyes holds his errors for truth and is as certain of his truth as you are of yours. Hence, it is madness to conclude that because I am certain that I have the truth and the other is in error, that only I may speak and he must be silent; because the other can and must turn it exactly the same way against you.

3. “But that’s what teachers are for,” you say further, “teachers that have the right to communicate their thoughts. That is why the right is confined to them alone because that way the purposes of God, the instruction of humankind,²⁶ and the spreading of truth and virtue will be achieved.” This objection has the same weakness that it proves too much. For it would follow that no one may teach, that is communicate to others one’s [112] ideas and insights. Then parents are not allowed to communicate with their children if they are not themselves authorized teachers. Then no one who is not an authorized teacher would be allowed to become a writer.—Don’t you see now the inconsistency of this conclusion?—Teachers have only been placed into the world for the sake of the lower classes and children, so that we can have a specific type of people who are dedicated to teaching: but truly not with an intention that this kind of people should alone have the right to communicate their insights.—How can you thus believe that—in this way—a right would cease to be a universal human right?—And even if a state had given this right exclusively to teachers, still nothing

²⁶ Bahrdt’s opponent appears to contradict Gotthold Ephraim Lessing, *The Education of Humankind* (1780), a historical-theological interpretation of humanity’s self-education toward reason and toleration. Bahrdt clearly agreed with Lessing.

would follow. For no legislative power can give to a few what was once a universal human right, and if it happens, that is [113] tyranny and a violation of the will of the Creator, who gave reason and speech to all people and thus gave to all the right to use both of them. And no one can rob from me without tyranny what God and nature have given me.

And what would happen with your teachers themselves, if the others, who have also been given reason and insight, had not used and are not using the right to communicate? Where would they have acquired their philosophical expertise if they had not learned it from the schools and writings of the wise? How would they have learned to understand their Bible and interpret it if other people, several thousands of whom were not properly authorized teachers, had not imparted this art to them through writings? Can thus the profession of teachers restrict this right of humankind?

[114] And don't you know that those purposes of God would be suppressed by such a restriction? Don't you know that enlightenment and growth in the knowledge of truth cannot take place without the universality of this right?—Reflect only upon that dark time of barbarism.—Ask history where superstition and ignorance had come from at that time. It will tell you that this was the source of ruin: that the teachers of the church had claimed the right to think and to speak about religion for themselves alone. This is how it came about that the ignorant holy Joes tyrannized over the intelligence of all men, that the lay people had to believe and to blindly parrot the most absurd things, and that the teachers persecuted to death all other intelligent people who wanted to communicate their better insights and make the world wiser.—O, keep that in mind, you children of the Reformation [115] and conclude that the right to communicate humbly one's thoughts and insights about religion and all of the other objects of one's reflection must remain a sacred and inviolate human right which must be denied to no one and which should be confined to no profession and no association, if we do not want to run the danger of sinking into barbarism and become oppressed by the yoke of superstition.

XIII.

[CONTINUATION]

“But if each and everyone had this freedom from the legal, that is the prescribed faith, and with that enjoyed the right to speak out loud and make known their concepts, ideas, and opinions, that would produce a horrible confusion in the world, especially among the common people.”

[116] I answer first: granted that the use of this right causes some confusion, does it cease to be a right for all that?—What if the subjects of a ruler who, in accordance with his right, decrees something that causes confusion in some places or among the nobility or somewhere else, would say that for that reason he should not use his right?—Thus remember only this: Whatever is once a universal right cannot be removed because it causes accidental harm here and there—and that goes all the more because the rights of humankind precede all other rights.

Take an example.—You say that the propagation of the species is a universal right of humans and of animals. What would you do if someone objects and says: “since animals, through the free use of their right, give children who see them certain ideas [117] which are harmful to them, and cause much decay in the moral world, therefore the animals have forfeited their rights and one must prevent them from using them.” Wouldn’t you take anyone who maintained this for a madman?—Isn’t it just as inconsistent if one would remove the freedom to think and to speak because along with the truth some errors are also spread and some people are confused?—By the same reasoning, no weeds should grow.—Think again about this parable of Jesus.²⁷

Second: exactly what kind of confusion is feared from the use of this right?—Do you worry that through the spread of false ideas and opinions the people could be led astray from the true religion or indeed might be made into skeptics who no [118] longer know what they should believe?—Then your belief must indeed be in very bad shape—and it would be very puzzling that you could say above that “I am certain that I have the truth.”—For if the very expression of an

²⁷ Matthew 13: 29–30; an often used passage in the eighteenth-century discussion of freedom of the press.

opinion, which I consider the right of all people, could make you err, then your truth truly must rest on weak grounds. But if your truth is as firm as a rock, as you claim, what can it harm you that others bring out different opinions?—And how, if among your truths there were still some error, would you stop another from frankly discovering that error and teaching you a better truth?

Third: ask history: what confusion has this right to think and to speak caused?—And then ask history what kind of usefulness this right [119] has provided on the other side, what kind of enlightenment and perfection it has brought among humankind?—Weigh both against each other if you can.—Bring into this equation what exceeding harm it would entail if this right were again removed and granted exclusively to some association or another.—It is certain that from these observations you would ask God that he protect each prince from the fatal thought of abolishing this freedom, established by Jesus, from a legalistic creed, and of forcing the people to allow themselves to be told what they must believe and confess.

Fourth: if it were possible that confusion were to arise through the universality of that right, it would at the most concern some church doctrines, and in no way concern the universal truths of God, Providence, the immortality of [120] the soul, and the human duty to be virtuous—on which rest the ends of religion, perfection, comfort, and the happiness of people and of states. For these universal truths, I think, will not be lost as long as the world exists. And nobody who wants to use that right to destroy them will be capable of doing so. So what does one fear?

XIV.

[CONTINUATION]

“But it is exactly the church doctrines that must be protected because the church has the right to teach them and to exclude from the civil community all those who do not believe them.—And exactly in order to protect this right of the church, that right to think and to speak must not be granted to everybody.” Let me also cure you from this last and greatest of all confusions.

[121] First: what kind of a right is this right of the church? Is it a universal right of humankind, given by God and nature, or is it an arbitrary (positive) right, given by the legislative power?—If two rights come into conflict, one of which is a divinely given right of all humans as humans, and the other is a right given by humans, must not the first one override the second? Thus assume that a sect or a church or a religious society, or whatever it may be called, has a right from a prince to deny others the right to think and to speak and to exclude them from the civil community, would you not have to admit that this social right was unjust—that is, that it would deserve to be abolished as a violation of the rights of humankind which are God's rights? I will give you [122] an example. Take the case in which a ruler has given a privilege for building a certain factory, which causes a neighborhood to become unhealthy and pestilential. Wouldn't everybody say that this privilege, this right to a factory, is arbitrary and should be abolished because it impairs a right of humanity, I mean the right to live and to be healthy?—See, so clear is it that all special rights, no matter how old and established they are, must yield to universal human rights.

Second: if there is a church that claims to have this right, how did it obtain it? Was it not the tyrannical might of the priests which through their dangerous influence over the state seized this right by persecution and suppression of all those who opposed them? Should an usurped right supercede such a sacred, God-given right [123] which was renewed by the Founder of Christianity through the sacrifice of his life (Ephesians 2)?

Third, observe something very important, that the actual right of the church, if one does not want to interpret it according to the one-time spirit of unlimited papal hierarchy, does not at all come into conflict with that universal right of humankind which I maintain is sacred and inviolable according to the pure teaching of Jesus. For the true right of every church association concerns only the duties of its teachers. Namely, it has, like every association that is privileged in the state, the right to choose its teachers and to demand from these that they bring before the members the teachings that the association holds for true, and not to say anything against these teachings from pulpits belonging to this association. And that is in itself no [124] unfair right. For I can demand from those for whose work I pay that they work for me in accordance with my ideas and views. Although it cannot be denied that

in general it would be better if people indeed imposed no such restraint on one another, not even voluntarily; still, this hitherto evil restraint that each association imposes on its preachers, as each family imposes on its household tutors, does not injure any important right of humankind. Because—1. each teacher remains free, if he is not in his church association or community pulpit, to humbly bring out his differing ideas in conversations as well as in publications, if he thinks it will have any usefulness (because no reasonable person will act without this end) and thus to spread enlightenment and more perfect insights [125]—that is, to instruct better those who want to hear or read him: 2. each member also remains free according to the rights of the church, without resigning from the association and without losing his civil connection with the state, to develop his own ideas and to believe them even if they are not wholly in agreement with the teachings of the church, to say them aloud to his children as well as to the rest of his fellow citizens and to humbly lay them before anyone who wants to listen to him or read him for further reflection and examination. And so it follows that the right of the church, if one gives this a reasonable meaning, introduces no legislated beliefs against the intention of Jesus, and finds itself in no real conflict with the right of humankind, according to which each one can communicate his truths just as he can share his bread with his brothers.

[126] And do we not already have the most beautiful and moving examples before our eyes in modern history, that Christian churches and communities themselves have abolished that tyrannical right? They have permitted erring people, that is, people whose beliefs are different from their own, to live sheltered in their midst, to enjoy civil benefits, to think freely, to teach, and so forth and even to publicly express their own truths, which are often wholly against the teachings of the tolerating church, in the special hours of their worship service, from their own pulpits.

And so, God be praised, in our times the spirit of Jesus begins anew to live among us and to make valid the right of humankind to think and to speak freely. Let us thus be inspired by this spirit and reject all prejudices which some of us have held against this right until now. Let [127] us enjoy the happiness of being reasonable people who seek the truth for themselves and may practice and communicate the truths they have found, and let us also permit to everyone else this happiness. Let

us no longer get indignant at the weeds which sometimes are sowed along with the good fruit of the truth, but leave it to God, who in His time will separate them. Let us not grudge to any one man his right—and thereby affirm the bond of love which Jesus, in combination with the teaching of the fatherly love of God, raised to be the essential principles of faith and life.

XV.

[CONCLUSION]

“One more thing! What if I decide to leave everyone his right to speak aloud about his ideas and insights, even if they are errors in my eyes, can I then [128] also be indifferent if they are errors which go directly against the authority of Holy Scripture, or directly contradict its express decisions?”

To start with, one observes that a double right belongs to reason in the use of any divine revelation, and when making use of Holy Scripture in particular. 1. The first is that it must examine its godliness and investigate its true origins.—Hopefully no one would doubt that. For if someone appeared in a nation and said: “Here, my fellow people, I bring you a Book which God himself has inspired and which thus contains infallible and indubitable truths!” What would one do then? Would one take the book just like that on the basis of his assurance? Would one read it without further thought and believe all that it [129] contains, be what it may—in the unshakable conviction that all the words and thoughts in this book had flowed out of the mouth of God Himself? Certainly not. If one did not possess the most foolish gullibility in the world, which would make us a plaything in the hands of every eloquent impostor, one would answer before everything else: “we are indeed pleased that you offer us the most beneficial present with this book; only we must first be firmly assured that this book really is from God and that its content comes directly from God’s mouth. Before we take this book for a divine book and its content for an indubitable truth we must first investigate whether your assertion is correct.” Tell me, how should one carry out this investigation? 1. Should we inform ourselves about the character of the man [130] that has

communicated to us this purportedly divine book, in order to see if he is a pious, righteous man, raised above all impostorship? But it seems to me that even with that we would not be out of danger of being deceived. For the most righteous, virtuous, truth-loving man could still be weak-headed and honestly believe that this book that he tells us is inspired by God is a divine book, and yet be mistaken. At least it is rather common in the world that the biggest hearts are found with the weakest minds. And even the greatest mind can be mistaken.—Or should we 2. invite the man that tells us that the book is from God to justify and verify the infallibility of his testimonies of the divine origins of the book by wonders and signs?—But here, [131] I think, we would not at all be on the path to comforting certainty. For even if such a man performed certain actions before our eyes which we judge to surpass all the powers of nature, and thus were miracles, it would still be doubtful whether we did not err in our judgment. Because we do not indeed know all of the powers of nature. Our greatest scholars themselves, who have dedicated their whole lives to the study of nature, acknowledge that they do not know the thousandth part of the forces of nature.—Thus we can indeed say that a thing is beyond the forces of nature known to us, but we cannot say that they are beyond all the forces of nature. And as long as we cannot say that, we cannot judge with reliability that a thing is a miracle. 3. Or, will one finally say: I will first read the book, I will examine its content myself [132], I will investigate if all that is in it is respectable before the wise, holy, loving God?—It seems that this would be the safest method. For if the content of a supposed divine revelation were indecent and for example contained inconsistencies or even immoral things, we would have reasons for rejecting it even if the one who presents it to us as a divine book were an angel from heaven who could perform the greatest miracles. Thus we should examine the content? So? According to what? Is there another means under the sun for examination than sound reason, which the Creator gave to his people as a universal light, in order to put them in a condition to distinguish truth from error, wisdom from foolishness, honesty from impostorship? And how shall one employ his reason for this?—I would pay attention to a. whether [133] all that is in the book agrees as well with my previous sense perceptions as with the basic principles I have found through reasonable reflection:—b. whether in things of importance it also provides expla-

nations that I can understand and conceive as compatible with the rest of my confirmed knowledge, and that I could use for my happiness, that is, for the perfection of my heart as much as for comfort in suffering, and so forth. Finally, and this is probably the most important thing, I would pay attention to c. whether by the acceptance and following of this content I would find myself truly well and happy.—Because that is the decisive test, that Jesus himself recommended for his teaching: whoever follows my teaching, lives and acts by it, will find—will learn from experience—that it is from God.

All of this, I think, is in itself undeniable; but it has also the recommendation of Jesus for [134] it.—Thus it follows: the first right of reason is that it must examine each divine revelation and judge if it is from God.

2) But that is not all that reason is entitled to do. It is also alone in its obligation to investigate the meaning of Holy Scripture and to interpret its words. No matter what language such a book may be written in, reason has to decide what its true content is. It must determine the rules by which each book written in a human language is to be explained. And it must apply these rules.

And now the result of all this.—This sound reason, about which one sometimes speaks so contemptuously, nevertheless is charged with two main tasks concerning our faith: namely examination of the divine origins of Holy Scripture and [135] exposition of its content. What should be given to reason's due should naturally also be given to each person that has reason and is capable of carrying out this double examination with his reason. If each person has the right to investigate the origins of Holy Scripture and to study its content, then each one must also have the right to believe whatever appears to him to be true according to this examination and investigation. No other person, no human association, and no teachers authorized by other people must be able to prescribe how he should conceive of this origin and how he should interpret this or that passage. Rather, he must have his own way of conceiving things and his own interpretation and thus be able to communicate them freely to others; even if his conception and interpretation differ from others, that is, are errors in the eyes of others. And because it is not possible, as I have shown above, [136] and as the nature of a finite mind and experience confirm, that all people agree in all of their ideas, it is not possible either that they agree in their ideas

about the origins of Holy Scripture and in their interpretation thereof. And this is all the more impossible, the further away in time the origin of Holy Scripture must be sought, the more foreign the language in which it was written is to us, and the more obscure the expressions are in which it often describes its content. If it is impossible for all people to agree that each conceives of the origin of Holy Scripture the same way as the others, and that each finds in it the same content and the same thoughts as the others, then—one should indeed pay attention to this conclusion—their ideas of the authority and meaning of Holy Scripture must be different as well. [137] Thus Holy Scripture will maintain a certain authority, a certain value for everybody, but its degree will not be the same for everyone. Whoever thinks very highly of its divine origin and finds in it very many and sublime truths will naturally give it a greater authority than someone else who does not think as highly of its origin, and is persuaded to find fewer and less important truths in it. And thus it is indeed clear that the free use of reason in religion does not remove the authority of Holy Scripture, but simply brings about different degrees thereof in people's imagination.

And should it really be punishable that one or another of our neighbors has a lesser idea of this authority than we do? If differences in thinking and ideas are grounded in human nature, [138] and thus are unavoidable, how can they be punishable?

Don't we also find these differences among the teachers themselves? Oh, whoever would read all of the books that the teachers of the church have written would be astounded at how manifold the concepts are which they have brought forward about the origin of Holy Scripture and of the manner of its inspiration. How thousandfold, how contrasting, how often contradictory are the interpretations which have been made of individual passages in the Bible. If these differences of ideas among the teachers can coexist with the authority of Holy Scripture, then indeed it must also be granted to everyone else to make his own interpretations, that is, to have different ideas about its origins and its meaning, and to communicate these ideas in order to instruct and be instructed.

[139] The clearest proof as to how little the authority of Holy Scripture can impair the right to pass different opinions about its origin and to explain it differently can be found in the diversity of the sects. The Catholic, the Calvinist—each has his own doctrines that he believes in

and teaches; each interprets the Bible according to his own teaching, each finds something in it that the other does not find.

Thus, how can one doubt even in the least whether the authority of Holy Scripture can coexist with the freedom to think and to speak, which Jesus established as a universal human right? Or how can one dispute this right of anyone under the pretext that his ideas and opinions are against the authority and the express provisions of Holy Scripture? For if we make this reproach to someone, we can indeed say no more [140] than that his ideas and opinions are against the authority that we attribute to Holy Scripture, and that they contradict the passages that we hold for pertinent. In our opinion, they are thus only errors, in his indeed they are the truth. Where we believe that the Bible says something clearly, he believes that it does not say it explicitly, nay, that it explicitly says the opposite. Can we force him to conceive of it differently? And can he himself help it if he has his and not our ideas?—Does not the Apostle call: Who are you that you judge the servant of another?²⁸ Did not the Prophet say: Every righteous, good, and truth-loving man will live by his faith?²⁹

Everyone believes that Holy Scripture is a splendid and very respectable book; everyone calls its contents divine. One, however understands by this the whole, the other only the [141] moral content. One relies on all of its books, the other excludes one or another of its books, for example the Song of Solomon.³⁰ One assumes that God dictated the Bible word by word. The third calls its content divine purely because all truth which makes people more perfect and happier is from God, including that which they find through pure reason. See how differently people think and have thought about the origin of the Bible, and they think even more differently about its meaning. And these differences must be tolerated: that is, as long as one attributes to oneself the right to conceive of the origin and meaning of Holy Scripture according to his own manner and to speak about it according to his own manner, one must grant the same right to everybody else.

²⁸ Romans 14: 4.

²⁹ Habbakuk 2: 4.

³⁰ The Jewish, Catholic, and Protestant canons all include the Song of Solomon (Song of Songs), so Bahrdt may be referring to a more radical sect.

XVI.

[RULES OF TOLERATION]

And on the basis of all of these observations, the following rules become clear.

[142] 1) Use always, also in religion, your common sense and honor it as the general light of humankind, without which the special light in which you believe—revelation—will not be of help. For the Bible is to no purpose without the free use of reason, which one sees not only by the double task of reason that I have already explained, but from the history of the dark ages, when, in spite of belief in the divinity of Holy Scripture, nevertheless the teaching and lives of Christians were exceptionally corrupt. Had the founders of a better time not had reason and used it freely, the Bible would yield the same benefit for us as it yielded then—we would still be barbarians.

2. Thus, permit to each other person the free use of his reason in religion—and do not be angry if he comes to [143] thoughts and ideas that are different from yours, and which you thus call errors. Do not let the empty reproach according to which an idea is against express Scriptural passages confuse you. For your own interpreters often make this same reproach to one another. And, as has been said above, this means no more than that the other person interprets this passage differently; which indeed basically decides nothing.

3. Thus, do not condemn those for whom Holy Scripture in general does not contain what it contains for you—the so-called naturalists. For what really is a naturalist, or freethinker? Most people think of it only as a general term of abuse.—I wish to define it more clearly. One gives this name to two kinds of people. Either one understands by it someone who follows nothing [144] but the blind drives of nature, does not act according to reasonable principles, and thus holds everything for free and permitted which his lust and vicious desires demand. Whoever conceives of such people as naturalists and free spirits, is, of course, right if he detests their manner of thinking. But then they make up no special class of fellow believers. Then they are a kind of people that one finds in all religions and sects, and also among Protestants and Catholics. If their vices violate the laws of the state, they belong in the number of vicious people which the authorities must keep an eye on.

And they will then be punished, not as naturalists, but as vicious people. That means one does not consider their ideas about religion (which remain free for each person), but their actions. And they stand in the same rank with vicious [145] Christians and are as naturalists neither better nor worse than vicious Christians. However, if one considers the naturalists as a kind of fellow believers, then one must conceive of them as people who consider valid purely the universal truths of reason, of God, providence, immortality of the soul and the obligation to virtue, and thus reject all mysterious doctrines. They derive these universal truths purely out of reason and they do not hold anything for divine merely because it is in the Bible, but because God has revealed it to humanity through the medium of reason. One sees from this what distinguishes the naturalist from the Christian, and where he agrees with him and thus is a Christian. 2. He is a Christian, that is, he agrees with Christians, 1. in regard to the free use of reason, which is a universal [146] human right; 2. in regard to the chief truths of God, providence, and virtue—just as Jesus and the Apostles brought forward these teachings; 3. in regard to the judgment about the splendor, truth, and godliness of the teachings of Jesus, insofar as they are about those universal truths. The naturalist also values 4. Holy Scripture and its moral content, and has 5. the most perfect respect for Jesus as a wise and virtuous teacher of humankind; and he does not even think of scorning or slandering him. He distances himself, however, from Christians insofar as he 1. does not find the supernatural inspiration of Holy Scripture to be adequate to his insights; 2. can form no idea for himself of miracles and all supernatural things, and explains everything as natural; which is why he gets the name naturalist; 3. does not subjugate himself to [147] religious rules, which is why he is called a free spirit; 4. believes that all that is mysterious, that is, incomprehensible and not recognizable from experience and analogical conclusions, must not be counted in the area of true knowledge about religion. And when one has this concept of a naturalist or free spirit and considers that he worships one God with us, that he has the same basic principles of virtue and happiness as we do, that he considers himself bound as solemnly as you to love of humanity, that is to the common working of common happiness; then one will understand that his ideas are only fewer than ours; that, hence, he has many truths in common with us; that his error, that is, his difference from us, lies only in the lack of

certain ideas; that partly he as much as ourselves is able to promote his own happiness, and partly destined for the advancement [148] of common happiness; that we are obliged to tolerate him like all others who are in error in our eyes, and to leave him the unimpaired rights which he is due as a human being, including the right to think and to speak.

Rulers, censors, and writers! Think further about all that I have said here, and ask God to give you the spirit of love and toleration, and to let thrive the right made so sacred for us by Jesus to the free use of our reason, for the daily increasing ennoblement and perfection of humankind.

XVII.

[WRITERS' RIGHTS WITH RESPECT TO RULERS]

For some readers I have perhaps gone on a little too long in the previous sections about the freedom to judge and to write about religion. However, I flatter myself that the exposition [149] of this material was a rather important need of our times.—I will be able to be all the shorter in the last sections, although they are not of lesser importance and will contain very wholesome instructions for our public.

I revere the wisdom and greatness of the monarch who in the decree mentioned above applies to rulers the free right to make one's thoughts and judgments known, and consequently to himself. That was also the judgment of Frederick II, and certainly that of his worthy successor. Only men as illuminated as Joseph, Frederick, and Frederick William could make such a judgment.

For the sake of the less subtle of my readers, I will give the reasons why it is good if this human right may also extend to judgments about the ruler.

[150] 1. The exercise of this right is useful for the ruler himself. Favorable opinions will encourage him, and unfavorable ones may instruct and warn him. Experience has taught me countless times that my enemy, judging me boldly, was my best teacher. I have learned from him what I have not been able to learn from my friends. For my friends flatter me, praise only my good side and cover up my weak side. But my enemy does not flatter me. Only when he is forced to does he recognize my good side and give me my due; and then I have the

assurance that the good quality which he recognized must be found in me. His praise delights me all the more because it will be less suspect to the world than the praise of my friends. He censures my failings all the more sharply and he reveals to me the weaknesses and flaws in my basic principles, in my actions, and so forth that I perhaps [151] would not have seen because of self-love and that my friends would never have shown to me, at least not in their true light. And because my enemy observes everything about me and takes every opportunity he can to make my character suspect, to disparage my merit, or to expose my mistakes, he makes me clever and cautious. He warns me in a timely manner about things that without him I might perhaps not have noticed. Considering that a ruler needs self-knowledge far more than any other man—and that it is much harder for him to achieve it because of the large number of flatterers that surround him, it must be recognized as the highest wisdom of a ruler when he himself permits candid opinions to be expressed about him.

2. But this permitting of frankness, this right to praise or criticize even princes, also ennobles the nation itself. [152] People who live under such a ruler feel that they are human, they feel free, and they learn to value and honor the rights of humankind. And this feeling of freedom ennobles their spirit, makes it brave, courageous, and generous. Ultimately, virtue itself gains in this way. For one learns to disdain foolishness more intensely if one sees that it dishonors even the prince. Where this freedom does not exist, vice and shameful deeds are often respected because the example of the prince gives them a good reputation and there is no patriot who punishes them and tells the truth about them. And the subject, because he must approve everything the ruler does, becomes a flatterer, a lowly servile soul who learns to deny his moral sensibility.

3. Further, the state gains as a state by granting this right. For no impostor can establish himself, no flatterer can take in the prince, no evil minister [153] can defend himself through trickery, no authority can exploit the subjects and trample on justice, no priest can tyrannize over consciences because all of these sorts of shameful men must tremble before the writer's candor.

4. Finally, what a glorious prospect for injured innocence! For those innocents who (as sometimes happens even in the best of states) are persecuted, accused, judged, and unhappy, how refreshing the thought

must be that some friend has taken up the pen and, if he cannot take away the suffering they have endured, will at least vindicate their innocence before the eyes of the world. Truly, that is an inexpressible gain. It is the highest comfort for the sufferer. It is compensation for the most wrongful treatment.

However, if it is intrinsically great and noble that a prince subjects himself to the rights of humankind [154] and allows himself to be judged freely and openly, I still believe that in individual cases the manner of exercising this right needs restrictions.

The first restriction concerns the *object* of free speech and writing about the rulers. Here things that are public need to be distinguished from all those things that are not public and should not be publicized. Things that are already publicly known, for example the person of the prince, his talents, qualities, principles, actions, judgments, edicts, and so forth, can be judged freely by anyone, because the state and the prince lose nothing by it, and often even gain. For a prince is too high above miserable smearers and their twaddle to suffer in his true dignity. I regard it just as foolish to punish a slanderer of princes as it is to punish a blasphemer of God. I would much rather regard both as lunatics [155] who only shame themselves and arouse pity. And well-founded reproaches from noble-thinking and insightful men will always contain something the prince can use, without making him blush. On the other hand, things that are not public matters, for example, rights and claims of princes to lands, secret correspondence of the prince, cabinet business, and such, must remain absolutely excluded from the domain of freedom of the press. For if writers were to begin to venture into things of this kind and speak about them before the public, this could become a danger to the state and undermine respect for the prince abroad. And this remains the one sure determination of the limit of all freedom of the press: namely, the relationship of the content of a publication to the well-being and honor of the state and its ruler. Everything that does not harm the state must be able to be freely said and [156] written. But whatever directly and effectively harms the state, for example, betrays its secrets to an enemy, provokes rebellion, destroys industry, population, supplies, and so forth, must be forbidden.

A second limitation concerns the *manner* in which a writer judges the state and the ruler. And here there are two reasonable demands that

can and should be made upon every writer who wishes to exercise his right. The first is a demand of morality, that he speak with modesty with and about rulers. I am saying that this is a moral demand, and distinguish it from a demand of the state. For the *legislator* and the *moralist* need to be properly distinguished. Morality guides only one's moral conduct through motivations, that is, through ideas of the benefit for which someone hopes or the harm [157] he fears as a natural result of his actions. But the legislator guides one's civil actions through the threat of the legal sanctions he will impose on account of the benefit that the state has to lose or the damage it has to fear. Whoever accepts this point of view will find that modesty is only a demand of the moralist. In contrast, the demand of the state would be *truth* in subject matter about which the writer expresses himself. That means this much: the writer may not send lies and slander into the world. That of which he speaks, for example, the edict, the sentence handed down, the actions of the ruler, and so forth, must really exist or have happened. In this sense I demand truth *in subject matter* and distinguish it from the truth of *the opinion* which he passes on it. Although others may consider this opinion true or false, this cannot make the writer culpable because to him [158] it is true, that is, it conforms to his conviction. But the legislator must demand truth of *subject matter* because otherwise the honor of the ruler would be surrendered without cause by permitting lies and false disseminations.

XVIII.

[WRITERS' RIGHTS WITH RESPECT TO FELLOW CITIZENS]

And now I still have an important matter that indeed has not, until now, been put in order: the rights of writers vis-à-vis private persons.

It is undeniable that the universal human right to make known one's thoughts and opinions must extend also to opinions about the qualities, opinions, actions, and circumstances of one's fellow human beings. And just as no one would willingly allow the right to judge others to be taken from him, so one must allow everyone else to exercise and assert the same right against himself.

[159] It is just as clear that the free use of this right is very useful for humankind.

1. It provides useful knowledge about capable people in all areas of the arts and sciences as well as about their works, products, manufactured goods, publications, and so forth; it also warns us of bunglers and bad work. How much would the world lose if we could not read reports and opinions about all of these things in political and scholarly newspapers, journals, literary reviews, and pamphlets?

2. It enriches our knowledge of humankind. In part it helps us better to judge people in general, and, by comparing the many characters and actions that we come to know, it enables us to observe human nature with a philosophical eye. In part it helps us to form concepts of national character and idiosyncrasies. In part we come [160] to know individual people and to learn to decide if and how far we should or should not enter into contact with them.

3. Through the exercise of this right many good, wise, and admirable men are shown right next to many fools and rogues. This warns, inhibits, and compels the latter to improve themselves; it encourages, rewards, and compensates the former, and it gives readers and observers a thousand varieties of instruction, warning, and consolation.

4. The exercise of this right is the only means to bring the all-too-great inequality among people, created by legal status and wealth, back into some sort of equality. At least in this aspect people become equal to each other and feel that they are human beings in that they all have the same right to judge frankly and publicly about all other human beings, and to compensate themselves for the superiority of status and wealth of others.

5. Finally, the exercise of this right is a great support for virtue and a bulwark against the torrent of vices in that it makes it possible to unmask the flatterer; to uncover, humble, and punish the vicious; honor, vindicate, and protect virtue against disparagement; teach the thoughtless and reckless to be more prudent, and not to make unnecessary enemies by their behavior.

Nevertheless, if on the one hand free opinion about all people is beneficial, one must not forget that on the other hand manifold and great damage can arise if the legislator does not *limit* in some measure *the way in which* this right is used.

I will not dwell here on the fact that often all of a person's happi-

ness can be destroyed if others are allowed to dig out and publish his secrets. I will not dwell on the fact that it would be a very hard burden if everybody had the right [162] to make known and to subject to mockery other people's innocent weaknesses. I will not dwell on the fact that making the thoughts, judgments, and plans of others known in public writings often begets terrible animosities. For against all this it can justly be objected that such injuries arising from the right to speak and to write can be prevented. If, for example, you do not want to see your secrets betrayed, learn to keep them to yourself and be silent, or if you have been imprudent, endure the natural consequences of your loquacity. If you do not want to fall into animosities through betrayals, follow this rule: do not speak critically or express evil thoughts against anyone behind his back or into the ears of strangers; or you must endure your betrayer's never sleeping and his bringing your enemy upon you. Finally, if you do not want your failings to be revealed and subjected to mockery, either strive for such merits as conceal [163] your failings and make it necessary for your fellow human beings to overlook your weak aspects because of the preponderance of your merits, or try through modesty, kindness, goodness, and noble conduct to make all people your friends as much as possible, so they will have no incentive to be annoyed at you.

I will restrict myself to the main point, that it is all too easy to destroy completely someone's good name if everyone, without limits, is allowed to speak and to write in public whatever he wishes about the actions, work, intentions, mistakes, and so forth, of others. I say to destroy completely, because single insults or offenses cannot be considered here. But what destroys someone's good name is certainly of the utmost importance and not an easy matter.

After all, the greatest part of human peace of mind rests on a good name. For what can I have of more importance, except the approval of God, than the approval and respect of my fellow human beings? What compensates [164] more in suffering, what gives more courage in danger, what gives more joyful hours than the thought that I have a certain and definitive worth in the eyes of my fellow human beings? Further, the credit of the merchant, the confidence of the public that the writer desires, the clientele of the artisan, in short, the chief support each needs for his business and his livelihood, depend on a good name. Finally, a good name is the chief means of obtaining friends, supporters,

and patrons, and of achieving earthly happiness. It may be observed here, incidentally, that the prince is never in this situation: his throne and his happiness stand, however people may judge of him.

And now consider especially that the good name, since it is a good so important and so indispensable to happiness, belongs to the highest needs, and the claim of this good belongs to the universal human rights. For in this case the principle established above³¹ is obviously applicable: “where the manner in which a human right is [165] exercised comes into collision with either the state or with other human rights, that is the only sure case in which the ruler (who should not concern himself with anything except promoting the flourishing of the state and protecting the full rights, inborn as well as acquired, of his subjects) is authorized and required to limit the exercise of a human right (here, for example, the right to free and public opinion) in order to support another right (here, the right to a good name).”

But now the very difficult question arises: when and how should the ruler limit the right of writers in such cases of collision? Should he forbid every free opinion regarding people about which one could cry, “my good name!”? Then he would have to forbid all writing about others, all journal reviews. Should he only forbid cases in which a good name is wholly destroyed? Then, first, he would have to protect every scoundrel from having his bad actions discovered. And second, who should be the judge of whether a public opinion [166] would wholly destroy the good name of another? The prince, the censor, or who? I think that with all of this we do not reach a secure position.

The true rule of decision is this: the legislator should forbid criticism where the person who is judged did not give up his rights. He should permit criticism where the person who is judged has *himself* surrendered his good name. This is the only sure principle to observe, if we want to find a feasible determination of the limits of freedom of the press. I will explain myself further.

A man who speaks or acts publicly—whether within earshot and under the eyes of his own narrow circle, his servants, his companions, and so forth, or before the whole public—himself gives up his right,

³¹ See p. 139 (Bahrtdt’s [79]).

his claim to a good name, if he speaks or acts foolishly or viciously. He must and can be judged freely by anyone.

However, a man does not surrender his good name if, when alone in his room or with his most trusted friend (e.g., his wife), [167] he says something or talks about something that is in itself not praiseworthy. Thus, if a rascal stands and listens at his keyhole, should such a rogue have the right publicly to place the individual he has overheard on the pillory?

Notice the distinction. The former gave up his right; the latter did not. The former is not in danger of suffering innocently; the latter can be overheard incorrectly and accused although he is guiltless. The former went willingly into the public sphere; the latter was dragged into it by force. Whoever is convinced by this will agree with me that the ruler must limit the freedom of judging other people in public with the following laws.

1. The person judged must have done things or said things in public. If, as proof, a private person who has no wealth, and even has debts, employs two cooks and holds a dinner party for which the food alone, without the wine, costs 150 Reichsthaler—or if a professor misbehaves in a pub and [168] offers a lady a box on the ears, but then receives one himself, and the like, anyone must have the right to speak about it and to reprimand such public deeds.

2. One must speak or write about things which actually happened, and it must be provable that they did happen.

3. What the critic says or writes may be strong or weak, flat or witty, gentle or bitter, only it should not be said in the ill-bred tone of the rabble. Obscenities and insults from the mouth of the laborer should not be tolerated from writers in any state. They are not good for anything and are harmful to the good manners that are indispensable to the civilizing of humanity.

4. The critic, finally, must never have the right to make himself wholly undiscoverable. I say “wholly,” for it can and should not at all be demanded that a writer who judges with stringency and reprimands publicly the writings or actions of others must always give his name. Otherwise the great and mighty with all their silliness [169] and mischief would escape because only a few would have the courage to expose their foolishness while providing their names. On the other hand, however, it is quite wrong if the writer is wholly undiscoverable

because then any miserable churl can shame with made-up accusations the most honorable and meritorious person and rob him of his good name. Thus a conscientious ruler must have the printer swear that he will not take anything without knowing from whom it comes. But he must strenuously prevent any printer from being forced to betray any author who wants to remain unknown, as long as his work does not contain accusations of actions known to be false. And because of the importance of the matter he must give public permission to the printer, in case of wrongful coercion ordered by a lower official, to approach the prince directly to seek protection against such chicanery.

5. Lampoons [pasquille], in the strict sense of the word, must not be tolerated at all. However, I must here say [170] what is to be understood as a lampoon in order to prevent every aggrieved author from decrying his reviewers as lampooners. Namely, if in a *publicly readable writing*, brought forth by the pen or the press, anyone makes accusations 1. about *deeds* for which punishment has already been decreed by a judge, or 2. about *disgraceful things* which are not, however, punishable, for example, that one has eczema or has secret relations with a servant girl and so forth, and 3. insults without giving his name, that is the real lampooner.

6. Finally, the ruler who would support the writers' frankness subject to these limits must allow whoever is publicly attacked to vindicate himself just as publicly against his attackers, even if he is first minister or archbishop. And whoever has human sentiments will see without further proof that this is an inviolable demand and that it is based, like all of the foregoing, on the sacred rights of humankind.

[171] And this is what the ruler has to do concerning freedom of the press and its limits. These are the limits on the writer, as far as he is an object of the legislator, who, as explained, has only two considerations from which all of his obligations and powers flow: well-being of the state and the protection of the full rights of the subjects. And I repeat once more, I ask my reader by all means not to forget what so many people do not yet want to know, that the ruler and the moralist are very different people and that the ruler must never pretend to be a moralist and make precepts of virtue valid by physical force.

The moralist, it is true, subjects the writer's freedom, which the state supports, to certain limits which do not concern the ruler but rather must be left to any person's conscience. The moralist, for example,

tells us that one should (a) never use one's right as a writer to expose human follies [172] without intending a preponderant good through the publication and public rebuke of these follies and without foreseeing the probability that his well-intentioned goal will be achieved. It follows, (b) that no one should cause an avoidable harm or offense by his frank opinion, (c) that no one should nourish his pleasure in others' suffering [Schadenfreude] or satisfy his vengeance, and especially (d) that we should be indulgent toward people of worth and of decided merit even when they show the most obvious weakness out of human frailty, and injure them least of all by rebuking their failings.

He who has ears to hear, let him hear!³²

³² Mark 4: 23.

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INDEX

Numbers in italics refer to notes

- Addison, Joseph, 12
Alexander the Great, 101
Archenholz, Johann Wilhelm, 96
Archimedes, 47
Barbeyrac, Jean, 3, 17, 19–21, 62, 78,
84, 86
Bayle, Pierre, 3, 20, 26, 38, 54, 69, 74
Bentley, Richard, 38
Biester, Erich, 103
Blount, Charles, 4
Brandt, Gerard, 67
Caesar, Julius (Roman Emperor), 40
Calvin, John, 4
Carmer, Johann Heinrich Casimir, 141
Clarke, Samuel, 38
Collins, Anthony, 5, 38
Croesus (King of Lydia), 111
Descartes, René, 3, 20, 38, 48
Diogenes, 101
Dohm, Christian Wilhelm, 97
Derham, William, 18
Elizabeth I (Queen of England), 67
Enno van Gelder, H.A., 11, 12
Euclid, 47, 48
Formey, Jean Henry Samuel, 14, 18–20,
62
Frederick II (King of Prussia), 23, 81,
97, 103, 125, 127, 163
Frederick William II (King of Prussia),
100, 103, 109, 111, 125, 142, 163
Garve, Christian, 101
Gaudio, Vincenzo, 27
Göchhausen, Ernst August Anton von,
109
Grotius, Hugo, 17, 19
Gundling, Nikolaus Hieronymus, 5
Gutenberg, Johannes, 3
Herder, Johann Gottfried, 100, 101
Hobbes, Thomas, 43, 56, 75, 99
Iselin, Isaak, 97
Jacobi, Friedrich Heinrich, 99
Joseph II (Holy Roman Emperor), 100,
102, 103, 109, 125, 126, 137, 148,
163
Kant, Immanuel, 98, 100, 103
Kern, Johannes, 24, 94, 95, 99
Klein, Ernst Ferdinand, 97
La Chapelle, Armand Boisbebeau de, 66
La Mettrie, Julien Offray de, 14, 20, 27,
62
Leibniz, Gottfried Wilhelm, 3, 19, 48,
58, 59
Lessing, Gotthold Ephraim, 99, 150
Locke, John, 3, 4, 38
Lucullus, L. Licinius, 80
Lüdke, Friedrich Germanus, 102
Luther, Martin, 4
Luzac, Isaac Elias, 28
Marmontel, Jean François, 31
Maupertuis, Pierre Louis Moreau de, 60
Mendelssohn, Moses, 98
Milton, John, 4, 99, 100
Mithridates VI (King of Pontus), 80
Möhsen, Johann Karl Wilhelm, 97
More, Thomas, 55
Moser, Johann Jakob, 96
Münchhausen, Gerlach Adolph von, 5
Müntzer, Thomas, 117
Newton, Isaac, 38, 60
Nicolai, Friedrich, 99
Nieuwentijt, Bernard, 18
Pompey, 40
Pott, Degenhart, 103
Pufendorf, Samuel, 17, 19, 20, 37, 44
Pütter, Johann Stephan, 125
Rawls, John, 98
Ray, John, 18
Rey, Marc-Michel, 16
Robins, Benjamin, 38
Roques, Pierre, 17–19, 22
Rousseau, Jean-Jaques, 14, 26, 27
Sardanapalus (King of Assyria), 111

- Schlettwein, Johann August, 94
 Schlözer, August Ludwig, 97, 98
 Schmauß, Johann Jakob (Schmautius),
 70
 Schmidt, Johann Lorenz, 5
 Shaftesbury, Anthony Ashley Cooper,
 Third Earl of, 5
 Spinoza, Benedict de, 3, 5, 38, 99, 100
 Starck, Johann August 103
 Steele, Richard, 12
 Thomasius, Christian, 5, 93
 Toland, John, 4, 5
 Tyndal, Matthew, 5
 Van der Capellen, Joan Derk, 31
 Van Effen, Justus, 12, 13
 Van Haren, Willem, 86
 Voltaire (François Marie Arouet), 26
 Wekhrlin, Wilhelm, 97
 Wieland, Christoph Martin, 96–98
 William IV (Dutch Stadholder), 86
 Woellner, Johann Christoph, 93, 104
 Wolff, Christian, 14, 93, 95
 Wucherer, Georg Philipp, 101, 102
 Zöllner, Johann Friedrich, 97

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